October 9, 2006 49145 $3.95 U.S., $4.95 Canadian

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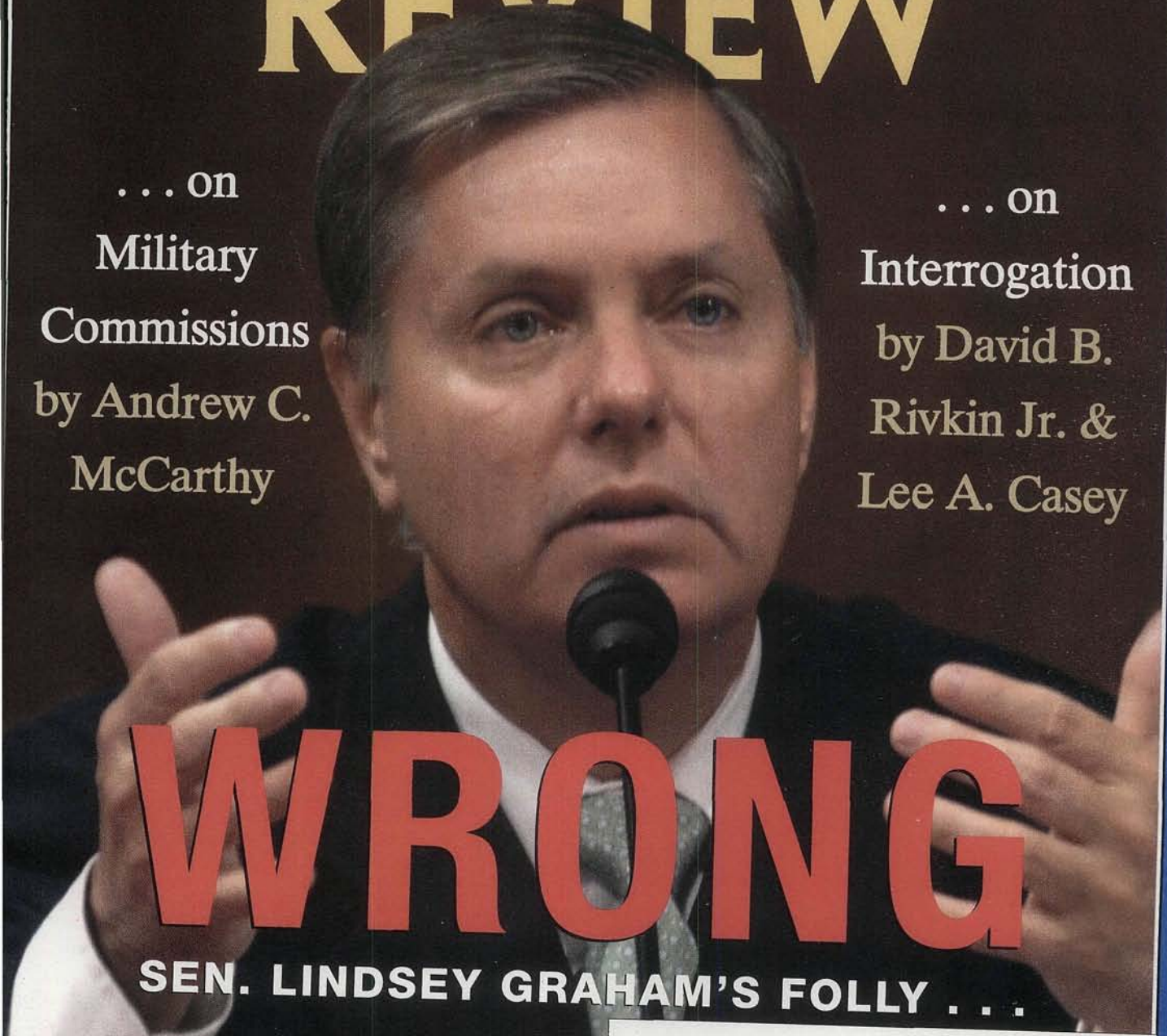
. . . on Interrogation by David B. Rivkin Jr. & Lee A. Casey



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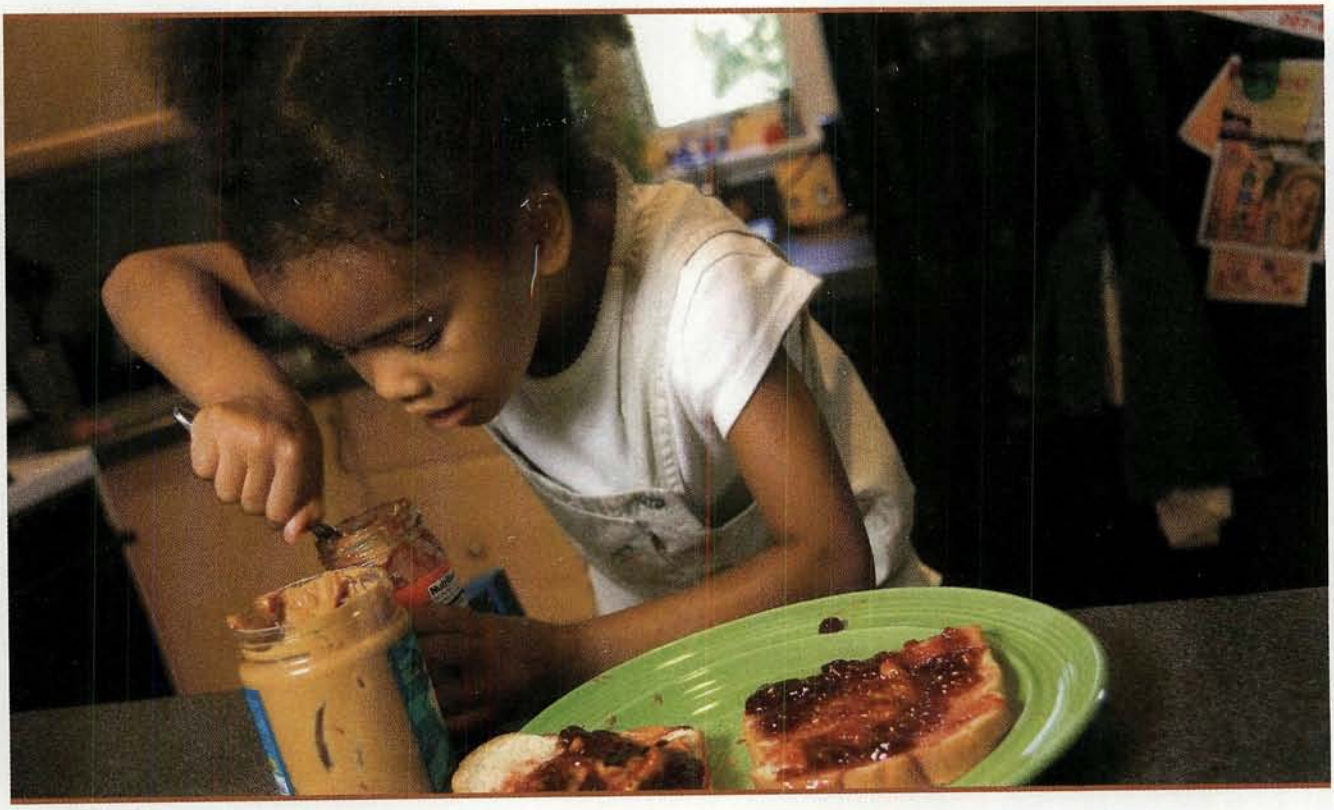

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NATIONAL REVIEW

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■ COVER STORY

Question Time

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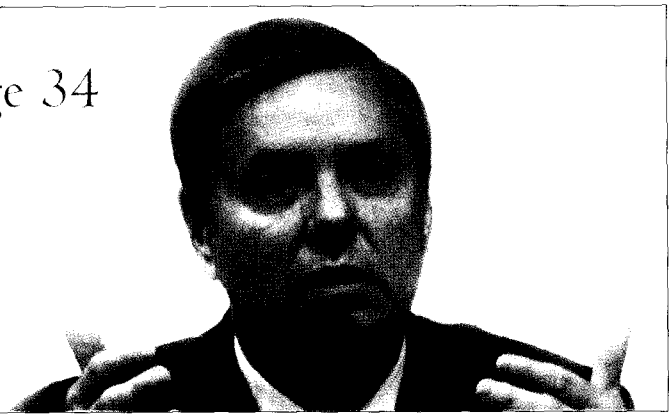
To the casual observer, the differences between the two bills may seem trivial. In fact, they are significant, especially on the question of interrogation.

By David B. Rivkin Jr. & Lee A. Casey



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NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices. ©National Review, Inc., 2006. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 8:00 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.

RATES: $59.00 a year (24 issues). Add $21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

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October 9 issue; printed September 21

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ADVERTISING SALES 212-679-7330
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letters to the editor

ON WAL-MART-OPHOBIA

Byron York's article in the last issue ("Hatin' That Store") underscores a strange phenomenon. While I agree that Wal-Mart has been a good thing for my small town in conservative rural Oklahoma, the common perception in the town is different. The discussion among my friends and neighbors reveals that they believe Wal-Mart has killed jobs and businesses in the area. Going over the number of stores that have closed since Wal-Mart opened reveals that four small, family-owned-and-operated businesses have closed, each of which had only a few employees. Our Wal-Mart, by contrast, employs well over 200 people. It is clear why most locals never patronized the old mom 'n' pops that they now claim to miss: They couldn't afford to. But they can afford the new Wal-Mart, and now they no longer have to drive 45 minutes to the city for basic needs. Why then are they so hostile to Wal-Mart? I think they are listening to the Democrats instead of their brains.

Kathleen Hosely
Wagoner, Okla.

SHINE ON . . .?

In a recent article ("The Carolina Kid," August 7), you had a graphic with an apparent historical error. It was a cartoon that had John McCain hugging a palmetto with a crescent moon in the sky, sort of like the state flag of South Carolina. The problem with this, I'm told, is that the "crescent" on the flag isn't really a moon at all: The shape isn't quite right. Instead, it is the shape of a metallic device, a "gorget," that British officers wore during the Revolutionary War. American soldiers were instructed to fire at men wearing the gorget.

Phil Larson
Greenville, S.C.

UNION JACKERY

I very much enjoy your magazine from this side of the Atlantic. Yet one change is needed to make it perfect. When talking about Europeans, would you mind using the term "Continentals," "continental Europeans," or even "Euros"? This would ensure that you do not offend loyal readers, such as myself in the U.K., by lumping us in with our unsavory neighbors.

Matthew Knowles
Essex, England

A FRIGHTENED REPUB

When I saw your Nancy Pelosi cover (Sept. 25) I thought you had come out early with your Halloween issue. Be more considerate. I'm already frightened enough.

Jerry Tarver
Richmond, Va.

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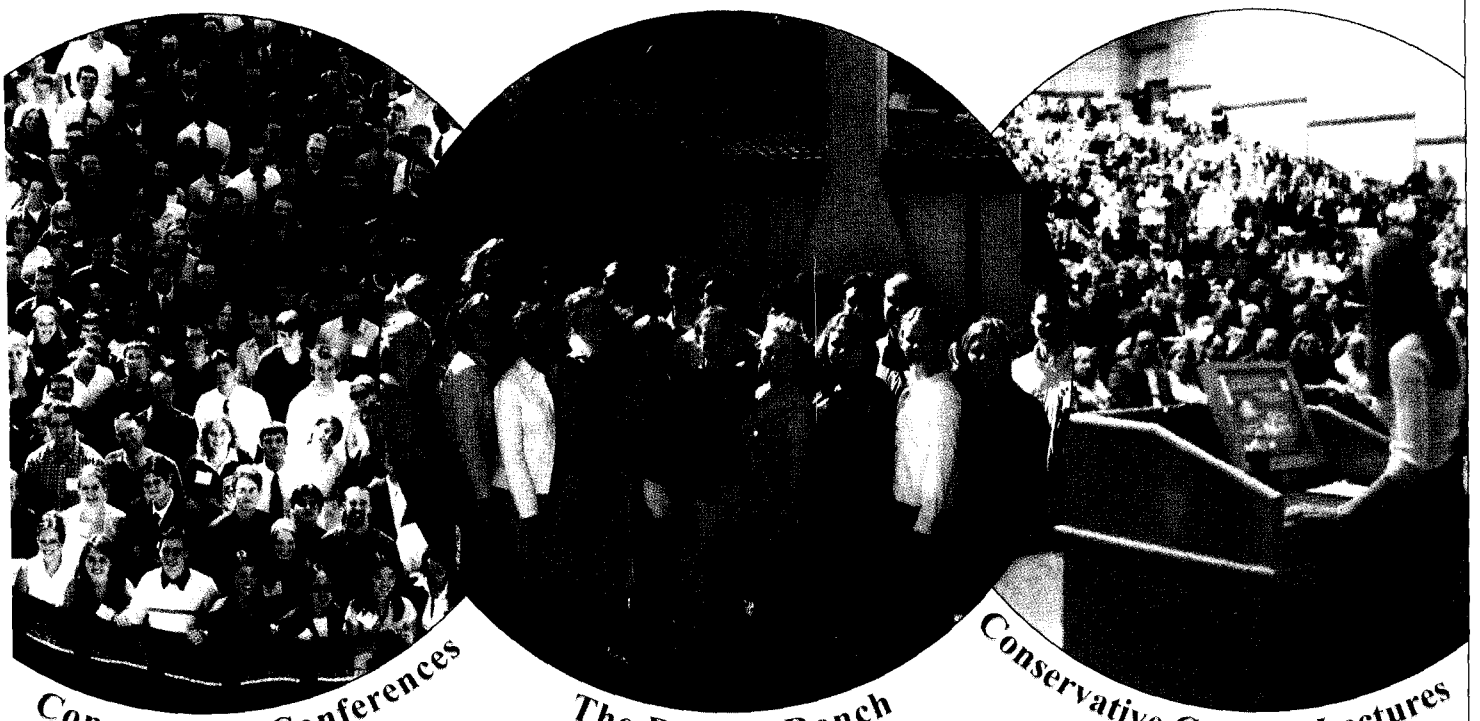

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THE WEEK

■ Could someone just provide a list of things that *don't* provoke Muslim rage?

■ The United States did not bomb 190 Taliban gathered in an Afghan cemetery because "coalition forces," as the Army put it, "hold themselves to a higher moral and ethical standard than their enemies." It's a close call: If we'd killed them right there, it would have been cheaper for everybody to get to the funeral.

■ Sen. Jay Rockefeller has added the last sprinkle to the cake. He believes, as do most anti-warriors, that the Iraq War was badly planned and badly fought, and that the Bush administration lied its way into it ("absolute cynical manipulation" are Rockefeller's words). Now he says the world would be better off if Saddam had been left in power. Saddam "wasn't going to attack us. He would've been isolated there." We can put Saddam back, no problem. But do we also have to bring back Abu Nidal, his terror-master guest? His biological and nuclear scientists? His rapist sons? His agents who plotted to assassinate George H. W. Bush? The Kurds, Shiites, and Marsh Arabs he killed, so he can kill them all over again? It won't seem like home without them.

■ Some people think that losing the House would actually be good for the GOP, and for conservatism. Of course, some of these people are liberals, offering poison-apple advice. But our own Ramesh Ponnuru (writing in the *New York Times*) and Jonah Goldberg (writing in the *Los Angeles Times*) have engaged in such speculation, too. They point out that the Republican majority has become lazy, careless, and obsessed with calculating the marginal sell-outs that will preserve power. That is mostly true, though not entirely so—the House has bucked President Bush and the Senate on immigration. Ponnuru and Goldberg also suggest that two years of Democratic excesses would tee up a GOP victory in 2008. This is a desperate hope: The Democrats would certainly be excessive (impeachment, anyone?), but that would not guarantee a voter reaction. The Dems are still waiting for the voter reaction from 1994. On the whole, we put more stock in the wisdom of former mayor Ed Koch—"My mother always told me it's better to win than to lose"—and hope for Republican reform from within.

■ The House Republicans are starting to bring other politicians around on immigration. Indeed, so many politicians are finally responding to the public's insistence on border security that they could form a human chain across our 2,000-mile border with Mexico. When the House passed the "Secure Fence Act," which authorizes 700 miles of new, double-layered fencing, 64 Democrats joined the majority for the 283–138 vote. Twenty of these Democrats switched their position since opposing the same fencing provision in legislation passed by the House last year. The Senate has recently voted 94–3 to provide $1.8 billion for a 370-mile border fence, and majority leader Bill Frist plans to have the Senate take up the bill passed by the House, which also mandates control of the entire border by the creation of a "virtual fence" that deploys cameras, ground sensors, and surveillance technology. "The anti-border-security caucus is down to three members," quipped Democratic senator Ben Nelson of Nebraska. He should know: In the past, he has objected to crackdowns on illegal workers, and he once favored in-state tuition for illegal immigrants' children. He now takes a tougher stance. A growing bipartisan consensus recognizes that a sensible, sustainable immigration policy rests on securing U.S. borders.

Waiting for the airstrike that never came . . .

ROMAN GENN

■ So Richard Armitage has finally come forward to admit that he was the original leaker in the CIA leak case. Good for him. It's three years—and one overzealous prosecutor, one jailed reporter, one needlessly indicted administration official, and too many grand-jury sessions—too late, but better now than never. Still, we suspect Armitage isn't telling us the whole story. In an interview with CBS News, it was suggested to him that much of the "feeding frenzy" of the CIA leak affair could have been avoided if Armitage had simply come forward earlier. "The special counsel, once he was appointed, asked me not to discuss this," Armitage answered, "and I honored his request." The key words here are "once he was appointed." By Armitage's own account, he realized by October 1, 2003, that he had been the source of the leak of Valerie Plame Wilson's identity. Special prosecutor Patrick Fitzgerald was appointed on December 30, 2003. That meant there were three months during which Armitage could have gone public. Had he done so, we likely would have been spared some of the outrages of the Fitzgerald

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What Does This Stand For?

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investigation. In his new statements, Armitage apologized to Valerie Wilson and her husband, the anti-Bush activist Joseph Wilson. But how about an apology to Karl Rove, and Lewis Libby, and George W. Bush? And, for that matter, to all of us?

■ Does Richard Lugar, the chairman of the Senate Foreign Relations Committee, actually want John Bolton to be America's ambassador to the U.N.? We assume so—which is why we're baffled that he's doing such a bad job of getting Bolton confirmed. He could have held a committee vote on Bolton's nomination in July, without allowing new hearings. Among other things, this would have forced Lincoln Chafee to put himself on the record before the Rhode Island Senate primary in which he faced a tough conservative challenger. Instead the committee dallied. Now Chafee is holding Bolton's nomination hostage because, as he explained in a letter to Condoleezza Rice, he thinks the administration should take "a more balanced approach" to the Arab–Israeli conflict. Chafee backed Bolton last year, and his obstinacy now looks like a cynical ploy to win liberal voters in Rhode Island's general election. But Lugar didn't need to let things happen this way, and he will deserve his share of blame if Bolton is not confirmed.

■ The House voted 245–171 to approve a new rule that imposes disclosure requirements on any congressman who sponsors an earmark. The rule, which will take effect immediately, requires House committees to provide a list of earmarks in each authorizing, appropriations, or tax bill—disclosing who added them, who will benefit from them, and how much they will cost. It will apply only to House bills, but any earmarks added in conference and then returned to the House would also have to be disclosed before a final vote. This is a worthy step toward reducing pork-barrel spending, but the fight against waste, fraud, and abuse is far from over. For starters, the Senate should pass a similar rule. More broadly, Republicans should enact budget reforms that make it easier for members to strip especially egregious earmarks from must-pass legislation. But, given the thin margin of victory in the House's very modest change, no one should hold his breath.

■ Anyone who has followed the fortunes of Air America, the liberal radio network, has long expected the entire enterprise to go broke. Air America's "stars"—you know, big, big stars such as Al Franken and Randi Rhodes—are heard in so few markets, and by so few people, that it is simply not plausible the network could be financially viable. Yet each time a crisis has loomed, Air America has survived with timely cash infusions from liberal-minded investors who don't want to see the Left's answer to Rush Limbaugh go belly up. Recently, however, a liberal website reported that the network was restructuring and would likely declare bankruptcy. Franken himself said he had missed a paycheck. There were some layoffs. The end seemed near, but it now appears that Air America might escape with its life once again, at least for a while. Ultimately, though, we know how this will end. Liberal radio has never been able, and still isn't able, to compete with the Limbaughs, Hannitys, and Ingrahams of the world. Why? The answer is always the same: Liberals dominate the mainstream media, and hardly need the alternative medium of talk radio.

■ "Despicable." That's what Sen. Hillary Clinton called *Death of a President*, the British movie, soon to open in theaters here, that begins with the assassination of George W. Bush in 2007. "I think it's absolutely outrageous that anyone would even attempt to profit from such a horrible scenario. It really makes me sick." A cynic might say that Senator Clinton, as a former First Lady and an aspiring president, is understandably keen to discourage the kind of crazed wish-fulfillment the sick flick represents. But democracy promotes, and ennobles, such self-interest. Any American, native-born and 35 or older, is eligible to be president. After two terms, assuming reelection, the president becomes any American once more. Kill-Bush talk is worse than murderous rage aimed at one man. It's societicide, aimed at America and all of us.

■ In the waning days of the present Congress, justice for President Bush's judicial nominees has been delayed. Without urgent attention from the Senate leadership, it will be denied. Should the November elections shrink the Republican majority, emboldened Democrats are likely to block action on judicial nominees during a lame-duck session. And it is unlikely there will be sufficient votes to block filibusters next year. The confirmation of Peter D. Keisler, a senior official at the Department of Justice who clerked for Robert Bork and Anthony Kennedy, to replace Chief Justice John Roberts on the D.C. Circuit Court of Appeals should be a top priority. The eminently qualified, badly mistreated district-court judge Terrence Boyle, whose nomination has been pending for five years, deserves a floor vote as a matter of simple fairness. The stalled nomination of Pentagon general counsel William Haynes provides an opportunity for debates that Senate Republicans should welcome: on the administration's detention and interrogation policies, and the proper role of judges in national-security affairs. Sen. Lindsey Graham's opposition shouldn't be permitted to block a vote on this nominee. Time is running out for Senate Republicans and so too is the forbearance of conservative voters who rank the confirmation of conservative judges at the top of issues they care about. How does this issue rate with the Senate majority?

■ Count Chicago mayor Richard Daley out of the Democratic consensus on Wal-Mart. He issued his first veto in his 17 years as mayor to block a law forcing big-box retailers to pay a $10-an-hour minimum wage plus $3 in benefits. Daley said that the bill was "well-intentioned" but would drive business out of the city. Wal-Mart is opening a store in Chicago later this year, and says that more than 11,000 people have applied for the 400 jobs available. There are legitimate concerns about some of Wal-Mart's methods, such as its lobbying of local governments to abuse their eminent-domain powers to help it out. But standard Wal-Mart bashing is bad policy and bad politics.

■ A characteristic art form of our time is the dressing up of gross hedonism, wanton self-indulgence, and feckless disregard for elementary social duties as journeys of spiritual discovery. The

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latest to try his hand at this is former governor of New Jersey Jim McGreevey, who was obliged to resign his position in 2004 when a male employee threatened him with a sexual-harassment suit. McGreevey has now produced an autobiography in which he relates his heroic struggle toward self-knowledge and spiritual fulfillment as a gay American. An important milestone in this pilgrim's progress, the ex-governor wants us to know, was his first sexual encounter with a young aide—the very one who ended up threatening litigation (and who denies the encounter)—while the unknowing Mrs. McGreevey was in the hospital recovering from the Caesarean delivery of the McGreeveys' baby. Beginning a book tour for the autobiography with an appearance on the Oprah Winfrey show, McGreevey kissed and held hands with his new love, a financier named Mark. While the requirements of ordinary human charity and understanding should never be lost sight of, we cannot think of any public person in whose behalf we find it more difficult to summon them up.

■ Watching Britain's Labour party recently has been like watching sharks circle their bleeding prey—in this case, Tony Blair. His popularity has plunged amid unfair perceptions that he is subservient to George W. Bush. Combine that with the impatience of Gordon Brown, the chancellor of the exchequer, to take Labour's helm, and you have a rebellion. A group of junior government ministers and aides resigned to protest Blair's reluctance to step aside, prompting him to make a bitter announcement that he will resign the premiership within a year. Unlike Margaret Thatcher, he leaves behind no legacy of achievements in domestic policy. But he will be remembered for having confronted Saddam Hussein when most of world preferred to ignore his threat. Whatever his faults, Blair knows the difference between right and wrong. He understands the danger of militant Islam. And—unlike the new Tory leader, David Cameron, who marked the five-year anniversary of 9/11 by noting that the U.K. must not be "slavish in [its] friendship with America"—he is a stalwart ally of the United States. We will miss him.

■ Sudanese president Omar Hassan al-Bashir has reaffirmed that his government will not allow U.N. peacekeepers to stop the resurgent violence in Darfur. If peacekeepers are not sent there, the killers will continue their genocide; but Sudan—which patronizes the militias responsible for the atrocities, and which is indiscriminately bombing villages thought to harbor rebels—

Free to Choose (As Someone Once Said)

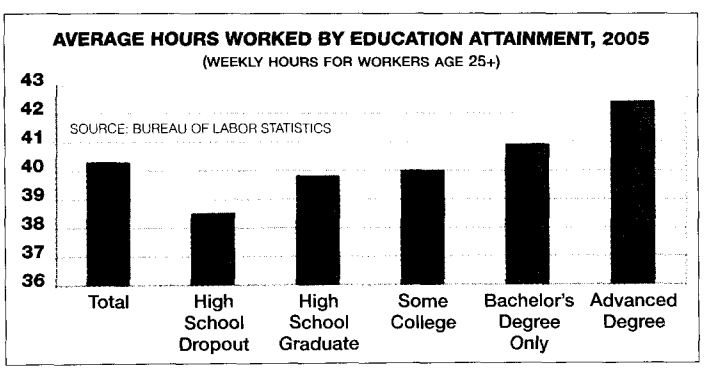
EVERY time I hear someone argue that the distribution of income is unjust and must be remedied by high taxes on the rich, I think back to a time when I was recruiting economists for the Board of Governors of the Federal Reserve.

About ten years ago, we made an offer to a hot young economist. We proposed an extremely healthy salary, about 50 percent higher than his next-best offer, a teaching position at a small college. The two jobs offered very different lifestyles. At the Fed, he would work hard and have only a few weeks of vacation each year, but he would be at the front line of American economic policymaking. At the small college, he would teach a few classes and have plenty of free time, but be far from the action.

After much agonizing, the nice fellow decided to be a professor. The freedom of academe, he argued, was too attractive to pass up.

Given the vagaries of the tax tables at the time, the Federal Reserve salary would have put him in the top bracket. The small-college salary put him near the bottom. He had simply decided to work less for a smaller income. A bit later, someone else took the Fed job he had refused. These two economists now had salaries at opposite ends of the spectrum. But would it have been fair to take money from the much harder-working Federal Reserve economist and give it to his tennis-playing peer?

Poverty and need undoubtedly still exist in the United States. But with almost *all* taxes being paid by those who receive the top *half* of total income, the tax code is far from just. With the exception of the very poorest, people's income largely reflects the choices they freely make in their pursuit of happiness. A well-known example of this is education: As a general rule, the longer you go to school, the higher your wage.



But a less well-appreciated factor is the amount of work you actually do. This can be seen in the accompanying chart, which shows the average number of hours people work, broken down by their level of education. High-school dropouts worked on average 38.5 hours per week in 2005. Those with a high-school degree worked 39.8 hours. The number increases each time we jump to a higher level of education: The longest work weeks belonged to those with an advanced degree, who spent an average of 42.4 hours per week at their jobs—10 percent more than those without a high-school diploma.

As people's income increases, they tend to work more. In part, this may be because they like their jobs. But higher wages also compensate them for taking jobs that require longer hours. Those who would redistribute from the "rich" to the middle class will inevitably favor taking money from those who work hard and giving it to those who work less hard. Fighting poverty is one thing. Redistribution for redistribution's sake is unjust.

—KEVIN A. HASSETT

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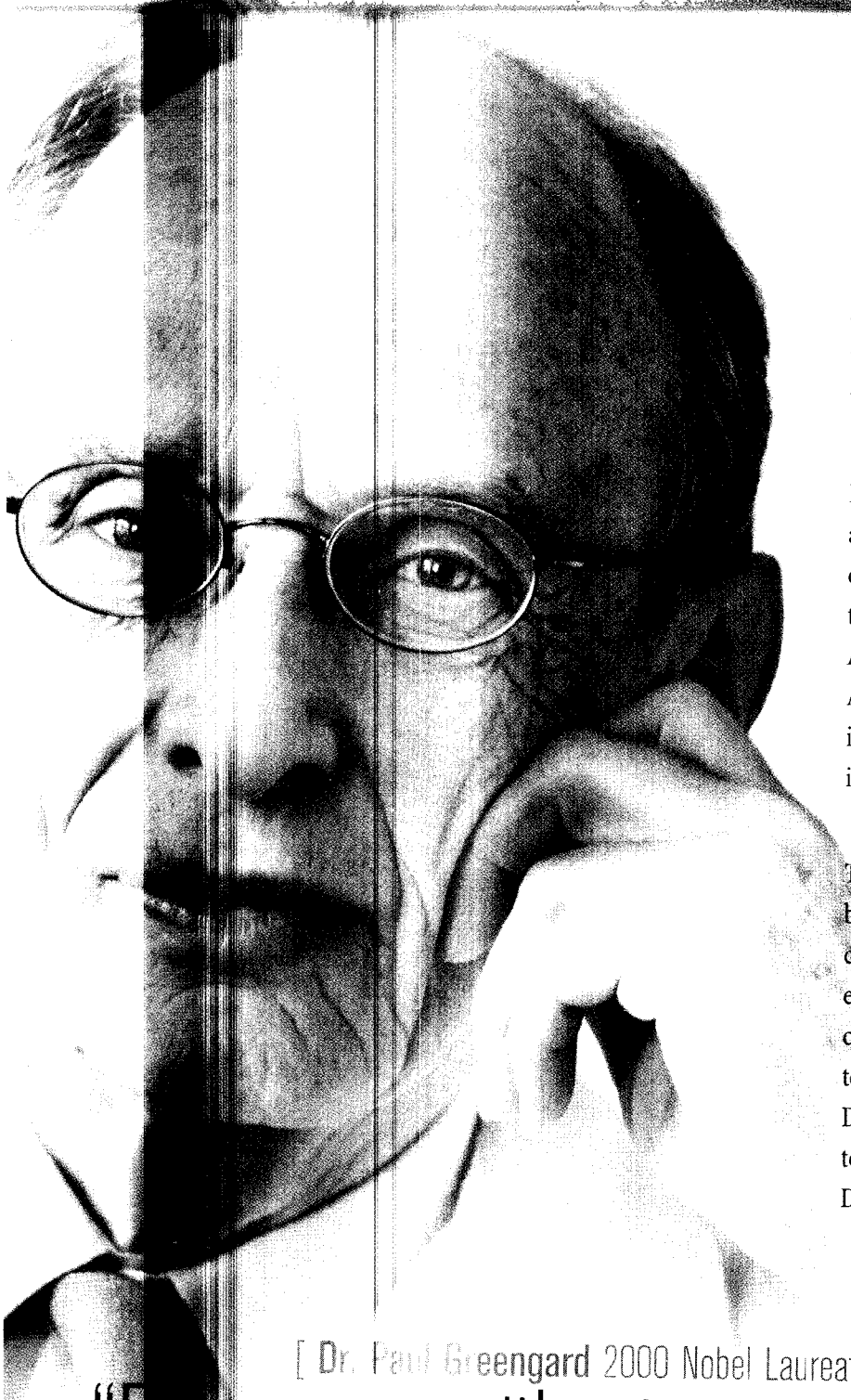

Some say depression is all in your head. Well, that's right. And wrong. It's right because depression is in the head, or more precisely, the brain. In fact, we've seen how it destroys the connections between brain cells.

Depression Is Real.

But saying depression is all in your head is also wrong. There's nothing imaginary about depression. It's a serious, medical condition that affects every aspect of a person's health. And untreated depression kills thousands of Americans a year — through suicide and by intensifying the symptoms of life threatening illnesses such as cancer and heart disease.

Hope Is Real, Too.

Today, research has identified many of the biological and environmental factors that contribute to depression. And medical science has developed effective treatments that can restore brain cell connections and lead to recovery. These treatments save lives. Depression is real. Fortunately, hope is real, too. To get the facts, please visit us at DepressionIsReal.org.

[Dr. Paul Greengard 2000 Nobel Laureate in Medicine]

"Every year, without any treatment at all, thousands stop suffering from depression. Because it kills them."

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American Psychiatric Foundation | Depression and Bipolar Support Alliance | League of United Latin American Citizens | National Alliance on Mental Illness
National Medical Association | National Mental Health Association | National Urban League

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THE WEEK...

has said that its military will attack any force attempting to enter the country. This leaves the civilized world facing a dilemma. There is a limit to the amount of blood and treasure a nation can spend on a humanitarian cause with no direct connection to its interests. But, at a minimum, NATO should enforce a no-fly zone to stop the bombing, and the U.S. should push for immediate and severe economic sanctions on Sudan. Air strikes against Khartoum should not be ruled out either. Only by making it clear that the regime will pay a high price for its actions can we avoid the choice between sending an invasion force, on one hand, and tolerating the rape and murder of hundreds of thousands of people, on the other.

■ In its recent war with Israel, Hezbollah indiscriminately shot off thousands of Katyusha rockets, many filled with ball bearings, so as to inflict maximum carnage on Israeli civilians. Remarkably enough, these actions earned Hezbollah a rebuke from Amnesty International. Apparently such actions by terrorist organizations now count as war crimes. Amnesty gave the entirely unnecessary assurance that this rebuke was in no way prompted by remorse over its earlier condemnation of Israel in the war. Just so you know.

■ The contract killing of Andrei Kozlov reveals the reality of today's Russia. Kozlov was chief deputy chairman of the state bank, with responsibility for tightening controls on banking, money laundering, and tax evasion. In the country there are more than 1,000 banks, many of them simply fronts for organized crime. This year alone, Kozlov revoked the licenses of no fewer than 44 such banks, and presumably had others in his sights. Those who knew him and his work confirm that he was a man of principle who could not be bribed, or as one billionaire banker put it, "He was a unique type of Russian state official." As he was returning to the parking lot after a game of soccer, hit men gunned down him and his driver. No man, no problem, Stalin used to say, and that's still the governing idea.

■ Here is the latest illustration of the dismal truth that there is no limit to how far you can bend over backward when you have no spine. The illustrator here is Piet Hein Donner, minister of justice in the Netherlands. Interviewed for a book titled *Het Land van Haat en Nijd* ("Land of Hate and Envy"), the minister gives it as his opinion that if two-thirds of the Dutch population were to vote for sharia law, they should be given it. Said Donner: "It must be possible for Muslim groups to come to power via democratic means. . . . The majority counts. That is the essence of democracy." Hmm. That is the essence of democracy only if the majority is itself democratically inclined. Otherwise "the majority counts" is the essence of national suicide. Is such an inclination clearly visible among the Muslim peoples of the world? Or of the Netherlands? Seems to us they are more disposed to *haat en nijd.*

REAL ESTATE SECTION

The U.N., where, once, Eleanor
Held court as our ambassador,
Is Third World–weighted and should be
Recycled as a property—
This here's a hot tip—that returns
More on the buck. Knowing concerns
Already eye what could become
A parking lot. Kofi's, like, numb.

—W. H. VON DREELE

■ Stephen Green is a Welshman from Carmarthen, aged 54, and like many in Wales a committed Christian, indeed national director of Christian Voice, an evangelical organization. He prepared a leaflet consisting of quotations from the Old and New Testaments on the subject of homosexuality, carefully omitting any commentary or moral judgments of his own. Mardi Gras is a long way from traditional Welsh culture, but in Cardiff, the Welsh capital, some gays were putting on their version of such an event, and Mr. Green handed out his leaflet. It turns out that the police have a South Wales Minorities Support Unit—something else a long way from anything traditional. This unit arrested Mr. Green, and he is being prosecuted for "threatening, abusive or insulting words or behaviour." Not so long ago, a Muslim leader, Iqbal Sacranie, gave an interview in which he said that homosexuality was harmful because the Koran prohibits it. No prosecution followed—it is one law for Mr. Green, another for the Sacranies. A few more years of these double standards, and the South Wales Minorities Support Unit will have to live up to its grandiloquent title and support the Christians.

■ The womenfolk of Pereira, Colombia, a town much disturbed by fighting among drug traffickers, have announced that they will deny their men conjugal rights until the violence ceases. These plucky ladies are of course emulating the women of ancient Greece in Aristophanes' play *Lysistrata*, where the object of the exercise was to end the Peloponnesian War. "I will have naught to do whether with lover or husband," swore Lysistrata and her friends, and their stratagem succeeded. That was only fiction; outside the amphitheater, the war dragged on for seven more years to its disastrous conclusion. The Pereira initiative could work, though. Lysistrata's fear that the men of Hellas might find relief by turning to "mutual indulgence in masculine love" will presumably not apply in the land of *machismo*. Still . . . how difficult can it be for a Colombian drug lord to find sexual gratification away from home?

■ In *Bowling for Columbine*, Michael Moore did what he usually does: He seized on a national tragedy in order to bash America. His documentary said that the school shootings in Columbine, Colo., could be blamed on America's culture of paranoia and aggression, combined with its easy access to guns and ammunition. Why, he mused, couldn't we be more like Canada? But few places are immune to random violence. As the

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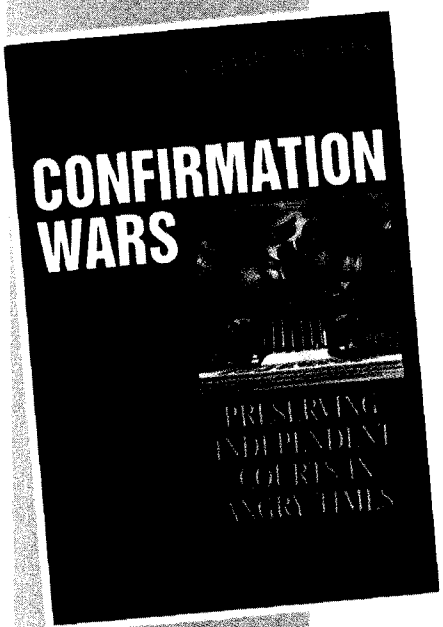
Critical Reading from Hoover

Preserving Independent Courts in Angry Times



Confirmation Wars

Preserving Independent Courts in Angry Times

BENJAMIN WITTES

"This is the most interesting and fair-minded book ever written about the politics of judicial confirmation. The partisan participants in the judicial confirmation process should take Wittes's proposals for fixing the system very seriously, but for reasons he discouragingly explains, they probably won't."

—Jack Goldsmith, Harvard University

In *Confirmation Wars*, *Washington Post* editorial writer Benjamin Wittes examines the degradation of the judicial nominations process over the past fifty years—including the recent confirmations of Chief Justice John Roberts and Justice Samuel Alito.

Drawing on years of experience reporting on judicial nominations, including numerous interviews with nominees and sitting judges, Wittes explains how the process has changed and how these changes threaten the independence of the courts. Getting beyond the partisan blame game that dominates most discussion of nominations, he argues that these changes represent an institutional response by Congress to modern judicial power and urges basic reforms to better insulate the judiciary system from the nastiness of contemporary politics.

Confirmation Wars is published in cooperation with the Hoover Institution.

Benjamin Wittes is an editorial writer for the *Washington Post* and a columnist for *Atlantic Monthly*. He is the author of *Starr: A Reassessment* (2002).

Rowman & Littlefield Publishers
Distributed by National Book Network
September 2006, 168 pages
ISBN: 0-7425-5144-X
$22.95, Cloth

Paid for by the Hoover Institution, Stanford University.

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THE WEEK...

school year was beginning this fall in Montreal, a student at Dawson College came to class with a black trench coat and three guns—consciously mimicking the style of the Columbine shooters. He shot 21 classmates, killing one of them, before turning the gun on himself during a standoff with police. This incident may not be an indictment of Canadian culture, but rather a sad instance of social alienation turned into violent psychosis. One wonders whether Michael Moore and his fans would understand that.

■ What is the secret of long life? A study just released by the Harvard School of Public Health offers some guidance. Leading the nation in longevity are Asian women in suburban Bergen County, N.J., who typically live to be 91. Reservation Indians in South Dakota, by contrast, die at an average age of 58. The rest of us are in between, with a few surprises: Rural whites in the northern prairie and mountain states, in spite of low incomes, live longer than better-off whites in Middle America. Hawaii is the best place to live overall, if you want to live long; the District of Columbia is the worst. Some things, of course, we cannot choose. It is not given to many of us to be female and Asian, in New Jersey or anywhere else. If you'd like that statistically extra couple of years, though, a move to Montana or Hawaii might be indicated.

■ New York City plans to add 200 miles of lanes designated for bicyclists to the 220 miles it already has. So Gotham continues to heed the call of 1965 mayoral candidate William F. Buckley Jr., who proposed elevated bikeways running the length of Second and Seventh Avenues. "The purposes of the bikeway," Buckley said, "are (a) to ease the traffic problem; (b) to provide New Yorkers with an opportunity to exercise and so to stimulate their health; and (c) to provide pleasure for those who take pleasure from the sport." The columnist Murray Kempton suggested to WFB that this be called "the Buckley Bikeway." The candidate agreed, saying that it would be his "finest hour." The smiles, wrote Kempton, reflected "wild shared delight."

■ Dr. Adrian North heads the Music Research Center at the University of Leicester, England. Surveying 2,500 of his countrymen in the hope of finding correlations between their musical tastes and lifestyles, Dr. North discovered that about a quarter of the classical-music and opera fans in his sample admitted to having tried cannabis, and 12.3 percent of opera fans had tasted magic mushrooms, whatever *they* are. Well, that explains a few things: the appeal of Mahler, for example, and our own Jay Nordlinger's tendency toward uncontrollable giggling. (JAY NORDLINGER RESPONDS: Against Mahler, no word can be uttered.)

■ Never let it be said that these pages have failed to keep readers up to date with news from the outer marches of the Solar System. We reported in our last issue that Pluto has lost its status as a true planet, and is now classified as a mere "dwarf planet" along with two other worlds: Ceres, which is the largest member of the Asteroid Belt, and a trans-Plutonian object heretofore known only by the provisional identifier "2003 UB313." Well, that last dwarf planet now has a proper name. The International Astronomical Union, meeting in solemn conclave, voted almost unanimously to name the body Eris, after the goddess of discord in Greek mythology. Eris's one known moon, formerly "S/2005 (2003 UB313)," is now named Dysnomia, for the goddess of disorder. After all the fuss about the status of these objects, the choice of names is not hard to fathom. We cannot repress a sigh, though, to think that while the apotheoses of discord and disorder have been banished to the far fringes of interstellar space, the things themselves are all too present here on earth.

■ Ann Richards belonged to the yar-har-har school of southern liberal women: dames with the cow-flop carefully preserved on their boots and their accents, who trash Republicans and expect everyone to be charmed (cf. Molly Ivins). At the 1988 Democratic convention, she said that George H. W. Bush had been "barn with a sivver foot in his mowth." H. W. was elected to the White House nevertheless, and in 1994 W. beat Richards after her single term as Texas governor: poetic justice. A recovered alcoholic, she pushed for programs for addicted prisoners. After her death, age 73, former President Bush said, "I joined millions in laughing at the 'silver foot' comment." R.I.P.

■ Some great interviewers appear soft-spoken and even dull-witted, inducing their subjects to explain themselves slowly and patiently. That wasn't Oriana Fallaci's mode. She was an Ahab of journalism, hurling barbs into everyone from Henry Kissinger to the Ayatollah Khomeini (at the end of her session with him, she peeled off her chador, calling it a "stupid medieval rag"). Politically she was an old-fashioned European radical, opposed to religion and authority; she did not change these views when the clerics and authoritarians started migrating to Europe from other parts of the world. Her last books, written after 9/11, *The Rage and the Pride* and *The Force of Reason*, assailed what she called Eurabia—her continent's destiny if it continued to accept the bigotry of its least enlightened Muslim newcomers. She took to calling herself a "Christian atheist," and in 2005 she had an interview with Benedict XVI—uniquely for her, in private. Dead at 77. R.I.P.

ISLAM

Measuring Words

YES, the pope blundered. In discussing the relationship between reason, violence, and Islam, Benedict XVI referred to a Byzantine emperor's comments on the subjects from around 1391. The pope noted that the emperor had raised the question of compulsion in religion "somewhat brusquely," with these words: "Show me just what Muhammad brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached." Benedict then expanded on why the emperor rightly believed this command "unreasonable" and "incompatible with the nature of God and the nature of the soul."

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Twinkle, twinkle little star, star, star, star

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(Out of 379 mid-cap blend funds)

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THE WEEK...

The pope did not endorse the emperor's view that everything distinctive to Islam is "evil and inhuman." His principal error was in failing to say explicitly that he was not endorsing it. We take it that he wasn't, both because he subsequently said so and because the official teaching of his church, which he had a hand in drafting, is somewhat philo-Islamic. (Nor were the offending words necessary to his argument.) His secondary error came elsewhere: He implied that Muhammad had said that there should be no compulsion in religion only because, at the time he said it, Islam was weak. It had actually solidified its position by then.

But these were pretty minor mistakes. The pope's thesis concerning Islam—that it has a troubled relationship with reason and with peace and religious freedom—is obviously true. It has been amply demonstrated by the reaction to his speech, which has included the murder of a nun, calls for his own death, and the firebombing of churches.

We should not pretend that what is going on in the Muslim street is an exercise in textual exegesis. The *New York Times* takes just this otherworldly approach in its rebuke of Benedict. It presents the pope as a sower of interreligious "discord" who "needs to offer a deep and persuasive apology." (That tinny noise you just heard was the sound of editorial verb inflation.) "For many Muslims," the *Times* explains, "holy war—jihad—is a spiritual struggle, and not a call to violence. And they denounce its perversion by extremists, who use jihad to justify murder and terrorism." Well, as long as it's just a fringe, then. Clearly the pope is the real aggressor here. About some things, American liberals are evidently more pious than the pope.

We are sure that many Muslims do reject violence in the name of their religion. But their denunciations of it do not seem to be very thick on the ground. Perhaps they should be louder. As for the pope, he has apologized exactly as much as he should.

AT WAR

Dealing with the Enemy

A BLOC of Republican senators, led by John McCain, John Warner, and Lindsey Graham, is determined to disable the intelligence-collecting capabilities of the United States while it is at war with a deadly foe against whom intelligence is the best weapon.

At the heart of the controversy is the Supreme Court's disastrous ruling in *Hamdan* v. *Rumsfeld*, which misconstrued the Geneva Conventions' Common Article 3 (CA3) as applying to commission trials for unlawful combatants—even though CA3's language is plainly limited to civil wars, and was not meant to be judicially enforceable. To make things worse, the Supreme Court was coy about whether its reasoning applied only to military commissions or to all of CA3's terms. That gave civil-liberties extremists a perfect opening to denounce the Bush administration's interrogation techniques. CA3 provides, for example, that detained combatants "shall in all circumstances be treated humanely," and defines "humanely" to exclude "cruel treatment," "outrages upon personal dignity," and "humiliating and degrading treatment."

These terms are hopelessly subjective and open to a wide range of interpretations—including by foreign courts whose constructions of international law are given "respectful consideration" by the Supreme Court in its *Hamdan* ruling. Consequently, if Congress abdicates its duty to clarify CA3's terms, the safety of Americans may hinge on the meanderings of foreign and international tribunals that are notoriously nonchalant about—even outright hostile to—security interests.

President Bush has thus proposed legislation that would define CA3 as the functional equivalent of last year's McCain Amendment, which clarified the prohibitions against "cruel, inhuman and degrading treatment" in the U.N. Convention against Torture (UNCAT) by vesting enemy combatants with Fifth, Eighth, and Fourteenth Amendment rights. As a "clarification" of CA3, the McCain Amendment has its shortcomings. "Cruel, inhuman and degrading treatment" mirrors CA3's vague terms, and it is not always self-evident what the Fifth, Eighth, and Fourteenth Amendments permit. Still, the McCain Amendment has the advantage of being a democratically enacted American law: Unlike CA3, its meaning and application will not be affected by foreign tribunals (unless the Court takes the internationalization of its jurisprudence much farther than it has). The Fifth, Eighth, and Fourteenth Amendments, moreover, govern judicial proceedings. They don't control interrogation practices for detained combatants.

We are not, and the administration is not, advocating torture. But there are methods of coercion that fall short of torture. Such methods have already saved thousands of American lives.

We are not, and the administration is not, advocating torture. But there are methods of coercion that, though rougher than the *Miranda* standards of the criminal and military justice systems, fall short of torture. Such methods have already saved thousands of American lives, thanks to the intelligence gleaned from interrogations of top al-Qaeda captives such as 9/11 mastermind Khalid Sheikh Mohammed. They will be effectively outlawed if Congress does not act.

The arguments of McCain et al. are vapid. They claim to be "protecting American troops" because, if we "weaken" our commitment to CA3, our enemies won't treat captured U.S. soldiers humanely. But nothing we do will affect the savage treatment al-Qaeda already gives its captives. Nor does our treatment of detainees portend anything of consequence for the treatment of U.S. forces in future wars. In such conflicts, the obligations of enemy nation-states—as opposed to lawless bands of terrorists—will be governed by the Geneva Conventions. McCain has suggested that action by Congress to clarify CA3 would encourage other nations to reinterpret the Geneva Conventions, but this too is absurd. Has the senator forgotten that the whole point of the amendment that bears his name was to clarify vague UNCAT terms?

It is essential that this wartime Congress preserve the CIA's ability to question jihadists aggressively—and that McCain & Co. lose their battle to destroy one of our most important tools in the War on Terror.

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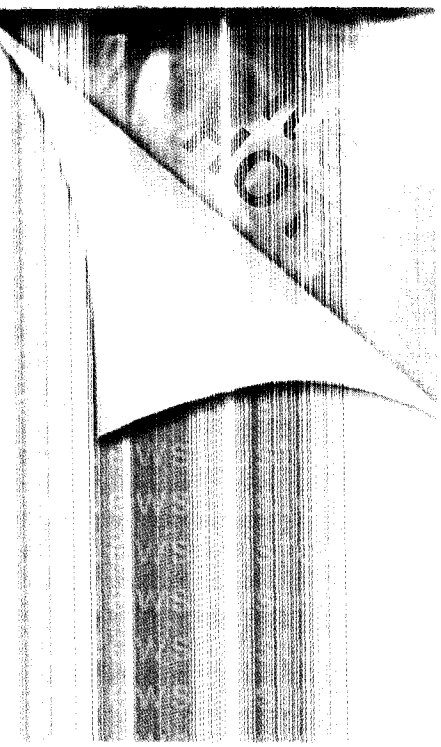

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AT WAR II

The Home Front

THE Democrats, and not a few allied pundits, claim that the Republicans are preparing to campaign based on fear. They say that as though it were a bad thing. It isn't. Fear is nature's way of spurring us to take action to prevent harm. It is certainly true that excessive fear can lead to rash action, or paralysis. But insufficient fear can lead us to complacency. If we can be scared out of our wits, we can be scared into them as well. We think that much of the political class is not fearful enough about the consequences of losing Iraq, of letting Iran have nuclear weapons, and of slackening in various domestic-security measures. Republicans who agree are right to warn Americans about the danger of those things, and of electing politicians who downplay those dangers or have no serious intent to reduce them.

That means that national security ought to be "politicized." In the discourse of the last four years, politicization of the war is supposedly something only Republicans do. When Democrats object to administration policies, they are not said to be playing politics with terrorism. Nor should they be simply for disagreeing. How to conduct the War on Terror, and whether to regard it as a war at all, are the most important political issues currently demanding a political resolution. Well-meaning people in our country have serious disagreements about the answer to those questions. Their differences are reflected in our political life, and especially in the divisions between the parties. We are a representative democracy. So of course those differences should be submitted to the people to decide, by deciding for whom to vote. To "politicize" the war is to democratize it.

Among the obstacles Republicans face is not just a liberal chorus claiming that such politicization is illegitimate. Some analysts friendly to Republicans say that it would be unwise insofar as Iraq is concerned. They argue that the public has turned decisively against the Iraq War and that no amount of Republican rhetoric will persuade them to support it. Republicans should therefore concentrate on other aspects of the War on Terror that poll better, such as the treatment of detainees and the use of surveillance.

This advice strikes us as thoroughly misguided. For one thing, Republicans cannot pretend that there is no war going on in Iraq (and it would be immoral to try). For another, it is obviously the case that a key segment of American opinion is mutable on the war, because it has already changed its mind. Most anti-war Americans opposed this war from Day One. Their views deserve as much respect as those of any large number of citizens do. But President Bush and his congressional allies are unlikely to reach them. They may, however, be able to reach former hawks. Even if they cannot persuade them of the wisdom of starting the war in retrospect, they may well be able to persuade them of the unwisdom of retreating from Iraq.

Many Republicans believe that the war in Iraq can be won, if domestic support for it does not flag. If they believe that, they should say so. If we achieve victory in Iraq, Republicans will have even the retrospective validation they now lack. There is no good political argument for trying to run away from the war.

AT WAR III

More Troops

THE question of whether we have enough troops in Iraq has been acrimoniously debated throughout the war. We have never considered more troops a cure-all—how you use troops is just as important as their sheer numbers—but the events of recent weeks have made clear that the U.S. simply needs more manpower on the ground.

The Bush administration has decided to focus on what it calls the Battle of Baghdad, shifting 5,000 additional American troops (on top of the 30,000 already there) to the capital city to address an awful security situation. In this, the administration implicitly concedes that troop levels matter. But is 5,000 additional troops enough? It seems unlikely, given that Baghdad is a sprawling city of nearly 6 million. The idea is to seal the city off, to the extent possible, and to divide it into tightly controlled zones. We Americans will do the initial "sweeping" of the zones, then hand them over for "holding" to Iraqi security forces, which is where it gets dicey. Our experience in Iraq has often been that, as soon as our forces leave a given area, it deteriorates to the point of our having to return, in the dynamic that John McCain has called "whack-a-mole."

In any case, it makes little sense to borrow American troops from other areas in Iraq when they are already too thin on the ground. A Marine intelligence officer recently reported that we are losing in Anbar province and that we could use another division—roughly 15,000 troops—there. The administration dismissed this as just one report. But both the commander in western Iraq and Gen. Pete Chiarelli, the commander of Multinational Corps–Iraq, endorsed this basic assessment (while steering clear of the troop-level question). In general, it is still the case that security improves in areas patrolled by Americans.

Yes, there are other considerations. The administration is wary of creating dependency on the part of the Iraqis. But given that a weak central government is confronting a vicious insurgency and budding civil war, we have to be realistic about how great a security burden it can bear at the moment. The administration also emphasizes that the solution to Iraq will ultimately be political rather than military. This is true, but the ongoing violence is radicalizing Iraqi politics and undermining the authority of the central government—in other words, having deleterious political consequences. There is always the risk that our troops will inflame nationalist opposition, but at the moment they seem more welcome than the widely distrusted Iraqi police forces. Finally, there is the fact that increasing American forces in Iraq by another two or three divisions would undoubtedly strain an already overstretched Army. But if the choice is between a strained Army and potentially losing in Iraq, the former is obviously preferable. And if we need a larger military—by all means, enlarge it.

Bush said in his speech commemorating the fifth anniversary of 9/11 that the safety of Americans depends on the battle in the streets of Baghdad. We are fans of the old James Burnham axiom that who says A, must say B. If the president attaches that importance to the fight for Baghdad, it makes no sense to continue to commit only enough forces not to lose. He needs to authorize more troops while he still can and before it's too late.

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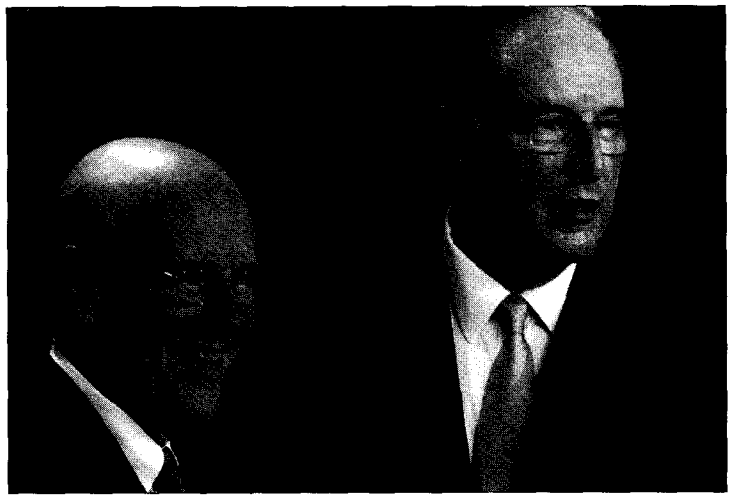

Senators Pat Roberts and Jay Rockefeller

■ CAPITOL HILL ■

The Chairman Dissents

And the chairman—Pat Roberts of the Senate Intelligence Committee—is right

BYRON YORK

A Senate committee undertakes an in-depth study of a critical national issue. After years of investigation and debate, it releases a report, offering a number of conclusions. At the end of the report, the committee's chairman makes a statement of his own: "These conclusions," he writes, "are a myth."

Huh?

A chairman trashing his own committee's report is unheard of in Washington. And yet that is exactly what happened in early September, when the Senate Intelligence Committee issued a pair of reports from its so-called Phase Two investigation into pre-war intelligence. One report, titled "Postwar Findings About Iraq's WMD Programs and Links to Terrorism and How They Compare With Prewar Assessments," got lots of press for its conclusion that there was no working relationship between Saddam Hussein's Iraq and al-Qaeda. The other report, titled "The Use by the Intelligence Community of Information Provided by the Iraqi National Congress," received almost no attention for its conclusion that American intelligence relied on knowingly false reports from Iraqi defectors in making the case for war. Yet that second report was possibly the bigger story, because it brought into stark relief the war going on inside the Intelligence Committee. In the report's pages, chairman Pat Roberts, Republican of Kansas, bitterly denounced its conclusions; in addition to "myth," he called them "distorted," "cherry-picked," and filled with "inaccuracies, omissions and mischaracterizations."

It was a stunning turn of events, even for a committee many now regard as the most dysfunctional on Capitol Hill. What happened?

It started out as a relatively simple, if controversial, matter. The Iraqi National Congress investigation focused on the actions of Ahmed Chalabi, the Iraqi politician who is a bête noire for opponents of the war. By the end of the committee's probe, even though there were some disagreements about details, both Republicans and Democrats agreed on one basic fact: Much of what INC-related defectors told American intelligence officials was wrong. The question then was, Were Chalabi and his allies lying? If so, why? And did the bad information they gave the U.S. play a key role in the American decision to go to war?

Roberts and the Republican members of the committee were no great defenders of Chalabi. But during the investigation, they came to doubt that he was the grand, evil puppet-master that some Democrats have described. Instead, the investigators came to believe that he simply turned over Iraqi defectors who came to him, didn't vouch for their reliability, and never made a secret of his agenda to overthrow Saddam Hussein. More important, Roberts concluded that the information provided by Chalabi and the INC played a tiny role in the American case for war. Just two of the 45 human-intelligence sources cited in the administration's now-famous National Intelligence Estimate (NIE) on Iraq's weapons of mass destruction were affiliated with the INC. Just one of the key judgments in the NIE was based on corroborating evidence from Chalabi's group (and even in that case, intelligence officials said the judgment wouldn't have changed if there had been no INC source). And none of the judgments about Iraq's links to terrorism came from the INC.

In all, Roberts found, "the Intelligence Community agencies told the committee that INC-affiliated reporting had a minimal impact on prewar judgments about Iraq." That conclusion was in line with earlier, independent investigations into the matter, among them the report on prewar intelligence conducted by former senator Charles Robb and Judge Laurence Silberman, who found that the "CIA's post-war investigations revealed that INC-related sources had a minimal impact on pre-war assessments."

At the end of the probe, the Intelligence Committee's professional staff came up with a proposed conclusion: "Information from the INC and INC-affiliated defectors was not widely used in Intelligence Community products and played little role in the Intelligence Community's judgments about Iraq's WMD programs." Roberts felt that this statement was consistent with what the committee had found. But Sen. Jay Rockefeller, the top-ranked Democrat on the committee, saw things differently. Based on the same evidence, he came up with an alternative conclusion: "False

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information from the Iraqi National Congress (INC)-affiliated sources was used to support key Intelligence Community assessments on Iraq and was widely distributed in intelligence products prior to the war."

A conflict was guaranteed, and it came at the committee's meeting on August 2. Everyone had had the professional staff's conclusions—there were six of them—for quite a while. But at the meeting, Rockefeller proposed throwing out all of them and substituting eight Democratic conclusions, beginning with the one quoted above.

It was the scene Republicans on the committee had dreaded for months. There are eight Republicans and seven Democrats on the committee; if there had been a split along party lines, Roberts would have prevailed. But Republicans knew that two of their number, Chuck Hagel of Nebraska and Olympia Snowe of Maine, had aligned themselves with committee Democrats and would likely side with them if push came to shove. And indeed, when the vote was taken, Rockefeller's conclusions had the support of every Democrat, plus Hagel and Snowe. Rockefeller won by a vote of 9 to 6. And his conclusions became the committee's official word.

Roberts and the five other Republicans on the committee were left sputtering in frustration. "We are concerned that members of the committee have perpetrated the very offense for which they so often charge the Intelligence Community and the administration," they wrote. "Whether these actions were based on politics, a lack of objectivity, or the desire to meet theoretical public expectations, a majority of the committee chose to support amended conclusions that rely upon 'cherry-picked' facts to validate preconceived notions."

Roberts listed several "myths" in Rockefeller's conclusions—chief among them the Democratic conclusion that the INC "attempted to influence" American policy in Iraq by "providing false information through defectors directed at convincing the United States that Iraq possessed weapons of mass destruction and had links to terrorists." The reality, Roberts wrote, was much different. Several CIA officers had told the committee that the INC defectors, in one officer's words, "really did believe what they were saying about WMD." In addition, committee staff got to know Chalabi pretty well. "We sat with him for hours," says one committee source. "He told us a lot of things we found to be really surprising and hard to believe, but when we continued to investigate, it checked out in the documents." Roberts quoted another CIA officer who told committee investigators, "If you're trying to say that the INC is the one that pushed us to go to war because of the WMD reporting, that's wrong."

But Hagel and Snowe remained unconvinced. They did not explain their votes; at the end of the INC report, they were the only senators on the committee who did not offer additional comments. Meanwhile, Republicans talked among themselves about Hagel's and Snowe's motivations. Some said Snowe was terrified of appearing too conservative to her constituents in Maine. Some said Hagel simply had an intense dislike for the "neoconservatives" who championed Chalabi. Still others pointed to the influence of one of Hagel's key aides in the pre-war intelligence investigation, a man named Eric Rosenbach. Rosenbach came to the Senate after completing studies at Harvard's Kennedy School of Government under Rand Beers, a top foreign-policy adviser for Democratic presidential nominee John Kerry. While at Harvard, Rosenbach wrote a policy paper for the Kerry campaign, and in the fall of 2004 he took three weeks to volunteer for the campaign. Looking at it all, Republicans wondered: And these guys are on our side?

Whatever the case, the report marked the end of the INC portion of the Intelligence Committee's investigation. But Phase Two goes on. Still ahead is the committee's most contentious assignment: the assessment of public statements made by administration officials during the run-up to the war—also known as the "Bush lied and people died" part of the investigation. The committee has been bickering about the subject for years now, reaching no conclusions about anything. At the rate it's going, the bickering promises to stretch well into the 2008 presidential campaign. Which is, for some members in both parties, precisely the point. **NR**

■ **THE MEDIA**

Plame Hall Of Shame

Led, natch, by the *New York Times*

STEPHEN SPRUIELL

THE Valerie Plame affair should not be allowed to recede into memory without an "accountability moment" for the journalists and commentators who bought former ambassador Joseph Wilson's (now thoroughly discredited) conspiracy theories and sold them to the public as fact.

On July 14, 2003, columnist Robert Novak wrote that "two senior administration officials" told him that Wilson's wife, Valerie Plame, was the CIA officer who recommended that Wilson go to Niger to investigate Saddam Hussein's reported attempts to purchase uranium there. Shortly thereafter, Wilson—who had accused the White House of "twisting" his Niger report—started working with *The Nation* magazine's David Corn to promulgate the theory that the Bush White House had "outed" his "covert" wife in an attempt "to punish Wilson or to send a message to others who might challenge it" (as Corn wrote two days after the appearance of Novak's column).

We now know this theory is bogus, ironically enough because of revelations in a new book co-authored by Corn himself. In *Hubris*, Corn and *Newsweek*'s Michael Isikoff report that the primary source for Novak's column was former deputy secretary of state Richard Armitage—who, along with Novak, opposed the Bush administration's decision to invade Iraq. Karl Rove—a key figure in Wilson's conspiracy theory—merely confirmed Plame's role when Novak told him what Armitage had revealed. And, even though Armitage's

Mr. Spruiell writes the Media Blog for National Review Online.

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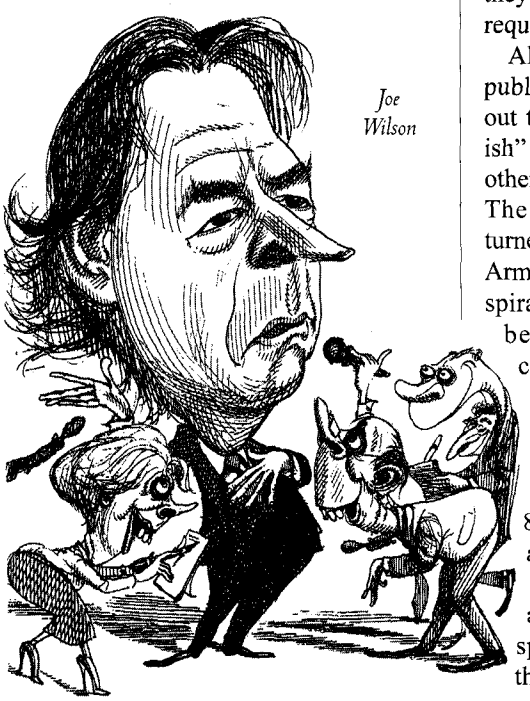
innocuous leak provided the spark for special prosecutor Patrick Fitzgerald's three-year investigation of the matter, the only person charged with a crime is the vice president's former chief of staff, Lewis Libby. Libby stands accused of falsely testifying about his conversations with several reporters, although it is far from clear whether he told these reporters about Wilson's wife or just confirmed what they had heard from others.

Aside from the Wilsons, journalists in the mainstream media bear most responsibility for hyping the conspiracy theories that impelled Fitzgerald's misguided investigation. Those who played some part in promoting the idea that the Bush White House "punished" Joe Wilson by "outing" his wife are too numerous to name. However, a few should be singled out for distinctive opprobrium—starting with the *New York Times*.

Wilson's campaign against the White House began with a leak to *Times* columnist Nicholas Kristof and culminated with his own bylined op-ed in the *Times*; and *Times* columnist Paul Krugman was among the first to sign on to Corn's theory. In a column published on July 22, 2003, Krugman described the leak in terms identical to Corn's, writing, "Why would [Bush administration officials] do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message."

It was at this time that Sen. Charles Schumer, Democrat of New York, started loudly denouncing the leak and pressuring the FBI to look into whether any laws were broken, giving the *Times* a pretext for treating Wilson's wild allegations as a serious news story. On August 8, the *Times* published an article by Douglas Jehl titled, "Iraq Arms Critic Reacts to Report on Wife." With Jehl as his stenographer, Wilson accused "those lowlifes over there," referring to administration officials, of taking "some whacks at my wife" in order to "keep others from stepping forward."



Joe Wilson

When news leaked that the CIA had asked the Department of Justice to investigate, the *Times* editorial board criticized then–attorney general John Ashcroft for handling the case himself. While the editorial did not endorse Democrats' calls for a congressionally appointed independent counsel, it suggested that Ashcroft should turn the investigation over to "an outsider, who would serve at Mr. Ashcroft's discretion but could make independent decisions."

Krugman didn't need a trial to deliver a verdict. On October 3, 2003, he wrote: "Mr. Bush knew, 11 weeks ago, that some of his senior aides had done something utterly inexcusable. But as long as the media were willing to let the story lie—which, with a few honorable exceptions, like David Corn at *The Nation* and Knut Royce and Timothy Phelps at *Newsday*, they were—he didn't think this outrage required any action."

Almost everything the *New York Times* published about the Plame leak turned out to be wrong. Nobody tried to "punish" Joe Wilson or "send a message" to other critics of the war by outing his wife. The "lowlife" who leaked her name turned out to be fellow war critic Richard Armitage. Bush wasn't aware of a conspiracy to "take some whacks" at Plame because there wasn't any. And of course, John Ashcroft did indeed step aside and turn the investigation over to Patrick Fitzgerald, who caused a crisis at the paper when he forced *Times* reporter Judith Miller to spend 85 days in jail for refusing to testify about her conversations with Libby.

The *New York Times*'s coverage and commentary look positively responsible, however, compared with those of MSNBC's Chris Matthews—another journalist who deserves special distinction. In the weeks following Libby's indictment, Matthews repeatedly insinuated that Vice President Dick Cheney had orchestrated the leak of Plame's identity, even though both Cheney and Libby denied it and Fitzgerald found no evidence that Cheney had instructed Libby to discuss Plame with reporters. One night Matthews suggested that, "like the Menendez brothers," Cheney and Libby could have "cooked their evidence ahead of time" to hide Cheney's involvement. When a guest balked at Matthews's grisly comparison of Cheney and Libby to two brothers who had murdered their parents, Matthews added, "I mean, nobody here's guilty of murder, unless you count the war itself and you want to get big-time about it."

Nor did Matthews and his MSNBC confederates spare Karl Rove from their theorizing. The Media Research Center's Noel Sheppard reported that between Karl Rove's final meeting with Fitzgerald last April and the June announcement that he would not be indicted for any crimes related to the Plame leak, the network featured 34 separate reports on Rove's legal troubles, including 15 on Matthews's *Hardball*. The hysteria reached its peak on May 8 when, on Keith Olbermann's *Countdown*, MSNBC correspondent David Shuster announced with great seriousness: "I am convinced that Karl Rove will, in fact, be indicted."

Matthews and Shuster did a lot of irresponsible reporting, but fortunately MSNBC is a perennial last-place finisher in the cable-news ratings and so the damage was contained. The same cannot be said of the Associated Press, whose wire reports go out to thousands of news organizations and are reprinted in newspapers across the country. Unfortunately, the AP did no better than the *New York Times* or MSNBC at keeping Wilson's unsupported allegations out of their reports.

In the case of the AP, it was not one or two outrageous claims that did the harm, but rather the steady accumulation of other misleading claims premised on Wilson's delusions. For instance, in its reporting on the Libby indictment last October, the AP said that the charges "stemmed from a two-year investigation into whether Rove, Libby, or any other

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administration officials knowingly revealed Plame's identity in summer 2003 to punish her husband, Joseph Wilson, for his criticism of the Bush administration's use of prewar intelligence on Iraq." In reality, the investigation concerned whether anyone had violated the Intelligence Identities Protection Act, a law that makes it a felony to knowingly disclose the identity of a covert operative. Wilson added the revenge storyline himself, but it began to fall apart early on, when Novak reported that the original leaker was not a "partisan gunslinger" like Rove or Libby. Nevertheless, as recently as August the AP was still characterizing Fitzgerald's investigation as an attempt to find out whether the White House had "intentionally revealed Plame's identity . . . to punish her husband."

Finally, we must reserve a place of honor in the Plame pantheon for Mike Allen and Dana Priest of the *Washington Post*, whose thinly sourced article on September 28, 2003, put so much political pressure on the White House that the appointment of Fitzgerald was almost inevitable. Allen and Priest quoted a "senior administration official" who alleged that two White House officials had "called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife." The same official told Allen and Priest that the leak was "clearly . . . meant purely and simply for revenge."

Three years later, one obsessed prosecutor and an army of partisan journalists have found nothing to substantiate that accusation. The farcical climax of the whole sorry mess—that the source of the leak, Richard Armitage, outed Wilson's wife not for revenge but because he is a notorious gossip—exploded the mad theories of the media mandarins in one afternoon. In a desperate attempt to pick up the pieces and forge a grand unified theory, Chris Matthews asked his guests David Corn and Michael Isikoff on September 8, "Do you think [Armitage] might have been used by people like [Libby]? They put it in front of him knowing he's a blabbermouth?"

It was a conspiracy theory that even Corn, who worked so hard to sell Joe Wilson's story to the public, wouldn't buy. **NR**

■ **THE ECONOMY**

Conspicuous Consumption

How to measure economic wellbeing

KEVIN A. HASSETT
& APARNA MATHUR

When George W. Bush took office in January 2001, the economy was producing roughly $10 trillion worth of output annually. This year, it looks like production will be in the neighborhood of $13.5 trillion. If we think of our nation's GDP as analogous to an individual's income, then that lucky fellow has seen his income increase over the past six years by about 35 percent. A person making $100,000 who saw the same increase in his income would now be making $135,000.

So are we better off today than we were in 2001? Despite the healthy growth, this is not a trivial question—for two reasons. First, it might be that the extra 35 percent in current-dollar national income does not go as far with today's prices. Second, it might be that the income went only to a few people, and that most people did not share in the growth.

Many recent articles have in fact suggested that, despite the great economic numbers, things are terrible. For example, Paul Krugman claimed in the *New York Times* that "the lion's share of the benefits from recent economic growth has gone to a small, wealthy minority, while most Americans were worse off in 2005 than they were in 2000. . . . The rich are getting richer, but most working Americans are losing ground."

Behind these ominous trends appears to be some kind of conspiracy of the privileged. Republicans are against the little guy, and use the power of the presidency to protect and enable the big businesses that feed on him. In this, modern-day populists are just rehashing age-old Marxist propaganda. As a consequence of the concentration of power and wealth among the bourgeoisie, Marx and Engels argued, workers' wages would be stuck at subsistence levels, for "no sooner has the labourer received his wages in cash, for the moment escaping exploitation by the manufacturer, then he is set upon by the other portions of the bourgeoisie—the landlord, the shopkeeper, the pawnbroker, etc." Substitute Wal-Mart in there someplace, and you are at a meeting with Howard Dean.

Today, populists argue that rising costs of health care and energy combined with falling wages are taking a terrible toll on the average American worker and putting a squeeze on the working middle class. Growth no longer helps them. You've probably heard that story so often you accept it as gospel truth. But the story is poppycock. When you look at the most accurate measures of how the middle class is doing, the answer is that things are good, maybe even terrific.

But before we look at the right answer, let's look at the flawed arguments.

Are workers taking home less pay than before? Some measures of wages suggest that they have disappointed in recent years. In order to get this spin, you generally have to exclude benefits. For example, between 2000 and 2006, real wages—which exclude benefits—increased 0.6 percent per year; but real hourly compensation, which includes benefits, increased 1.3 percent per year. So if you think benefits are a good thing, then you should believe that workers are moving ahead. If you do not believe so, it might help if you started calling them something else.

But even if we rely on the wage numbers that include benefits, the numbers still understate how fast the average American is moving ahead. First, wage measures usually exclude taxes and transfers—but taxes have declined enormously, especially for middle-class families with small children. That makes a difference. And second, these measures adjust for inflation—which can be misleading in our present circumstances.

Mr. Hassett is director of economic-policy studies at the American Enterprise Institute. Aparna Mathur is a research fellow at the AEI.

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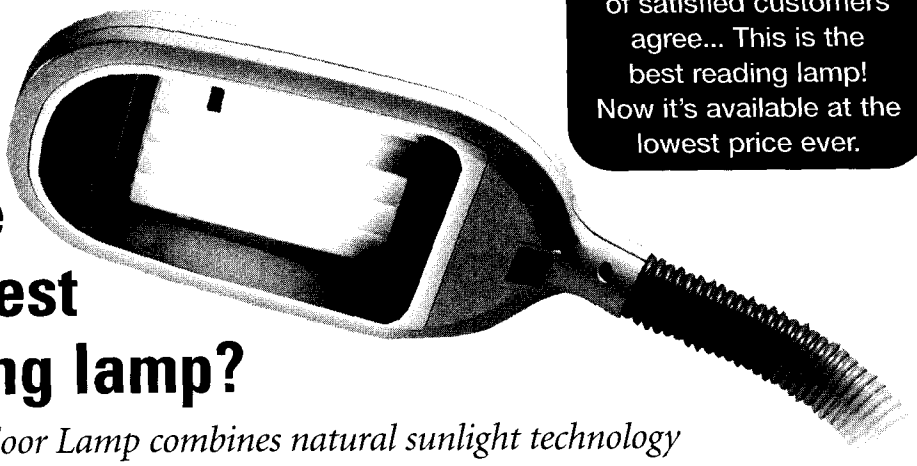

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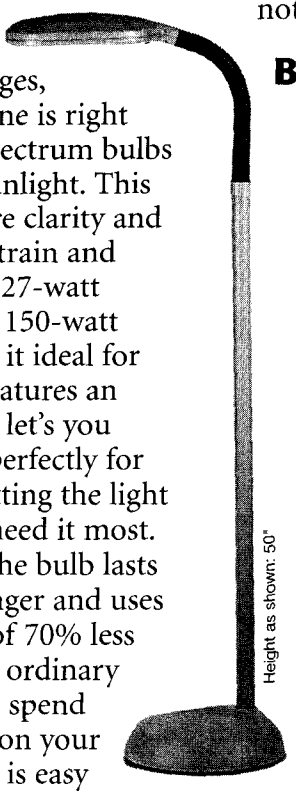

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Inflation has been surprisingly high in recent years, owing chiefly to sharp increases in energy prices; these increases likely moved consumers to change their behavior, trading in the Hummer for a Prius. Deflation can overcorrect for price changes if the model does not allow for changes in consumer behavior. (If I ate 80 apples last year, and the price of apples increased this year to a million dollars, my welfare would not go way down; I would just switch to oranges.)

But there's another way to measure how people are doing: consumption. One benefit of looking at consumption is that it accounts for all of the other complicated things that are going on with income, such as taxes or black-market income. It also accounts for fluctuation of income over time. Consumption is generally smoothed over time by people to match their expected income. A person's consumption provides a much more accurate read on how he's doing than does his before-tax income.

So how have the consumption numbers been doing? Just as GDP has been rising, so has aggregate consumption. Between 2001 and the second quarter of this year, the consumption of Americans grew 17.24 percent.

But the populists' claims are specifically about "the middle class." To find out how *they* are doing, we need to dig deeper into the source data. The Department of Labor's Consumer Expenditure Survey provides detailed consumption data on a cross section of Americans; we can use this to estimate how much of our aggregate consumption went to each income group in recent years.

These data reveal that the middle class has been doing pretty well for itself. Breaking the income distribution up into five quintiles, we tracked the consumption experience of the middle quintile (or middle class) in recent years. The data tell a striking story: Consumption has increased solidly for the middle class. Paul Krugman has claimed that people are worse off today than they were in 2000 because "once you adjust for inflation, you find that the income of a typical household headed by a college graduate was lower in 2005 than in 2000." But if the measure of *income* he chooses is a good measure of welfare, then *consumption* should stagnate as well—and, in fact, the opposite has happened. Adjusting for inflation, we estimate that the real growth rate of consumption for the middle class between 2000 and 2005 was about 7.5 percent. So the welfare of the middle is improving, and unambiguously. There is nothing to debate. The strong economy is lifting all boats.

The data also reject the view that we are evolving toward an economy that is less friendly toward the middle class. Indeed, the rate at which consumption by the middle class is increasing has accelerated in recent years. The average annual consumption growth for the middle class was less than 1 percent in the period from 1990 to 1994, rose to 1.5 percent in the period from 1995 to 1999, and jumped to more than 2 percent in the period from 2000 to 2005. The middle class is even doing better than the upper crust: The growth of their consumption expenditures exceeded the growth rate in the highest income category between 2000 and 2005. Consumption is becoming more equal across these income classes.

A pessimist might argue that the middle class has been able to increase its consumption because it took money out of its inflated housing wealth, or loaded up on credit-card debt. Such moves might presage a big drop in consumption in the next few years. Perhaps, but this story seems exactly backward to us. Economists have studied individual consumption behavior for many years, and one thing they have indisputably learned is that people adjust when times are troubling. When individuals are fearful about the future, they reduce their consumption and increase their saving. This gives them a buffer stock of wealth to tide them over if things get rough. Since Americans are consuming enthusiastically, they must be optimistic about the future.

Consumption is a measure of what people use and eat. It has increased sharply in recent years, revealing the flawed income statistics as woefully inadequate measures of well-being. The proof is, we believe, in the pudding: The times are better than they used to be. The middle class is flourishing and optimistic. **NR**

■ **DEFENSE**

A 'Tough,' 'Ugly' Business

Rumsfeld on the record

JAY NORDLINGER

The Pentagon

DONALD RUMSFELD has had some rough sledding lately, and I ask him how his spirits are. "Good," he says. Although, after a shoulder operation, his left arm is in a sling, and "I haven't been able to play squash for a week."

Rumsfeld says, "I don't think there's ever been a war where a person in my job"—secretary of defense—"was popular. I can't think of one. It's a tough business, and it's an ugly business." He adds that "a couple of folks" have been calling for his resignation since April '01, "before the war ever started." I say I can't remember what he was doing then. "Well," he replies, "obviously not the right thing."

I have come to see Rumsfeld in his office on a cloudy Wednesday morning. He is wearing a vest that says "Combating Terrorism" on it. I remind him that, when we last talked—three years ago—I asked him whether the American people would stick with the War on Terror. And he replied, "They stuck with the Cold War."

"Yeah," he now says. "Long time. Lot of *wavering*. A lot of cold feet at various points along the way." Rumsfeld remembers being in Spain as NATO ambassador in the early '70s. He was called back to testify against the Mansfield Amendment, which proposed to pull U.S. troops out of Europe. "And here you are: The Cold War's in full flower, and the Soviet Union's making mischief in Central America and Africa . . ." Yet the proposal was made all the same. And Eurocommunism, notes Rumsfeld, "was in vogue."

So, he continues, "you look back on it now and say, 'Oh, my goodness, it was a

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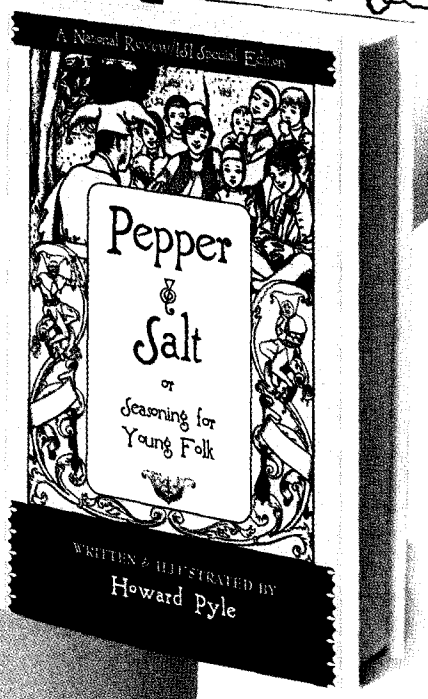
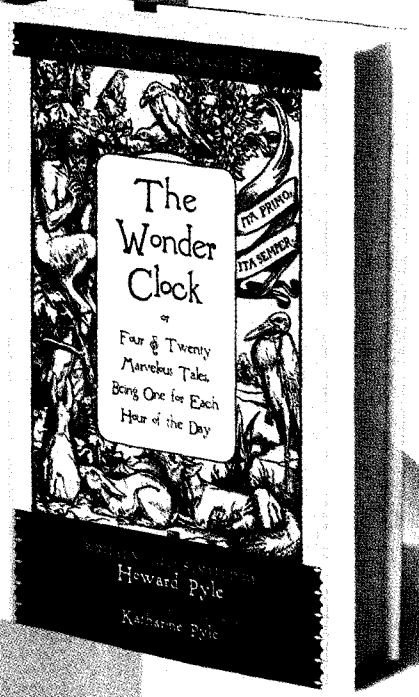
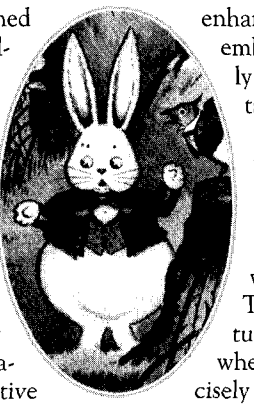




National Review and the Intercollegiate Studies Institute are proud to announce the publication of three wonderful new books—lavishly illustrated collections of wholesome and trustworthy tales that will delight anyone aged 8 to 80!—that are *musts* for every family's library, and wonderful gifts for deserving sons, daughters, grandchildren, nieces, and nephews.

Two of these precious books—*The Wonder Clock* and *Pepper & Salt*—are the work of the great Howard Pyle (1853–1911). Regarded as one of America's great illustrators and founder of the influential "Brandywine School," Pyle first gained renown for his self-illustrated serialized children's stories published in *St. Nicholas Magazine* and other major publications.



But he became hugely popular in 1887 when, in conjunction with his sister Katharine, he wrote and illustrated *The Wonder Clock*. Now nearly six-score years later, this groundbreaking collection is still considered to be one of the best works of American children's literature. Its 24 entertaining and instructive tales (including the famous "King Stork")—one for each hour of the day—overflow with fascinating characters, and are indescribably enhanced by Howard Pyle's powerful illustrations.

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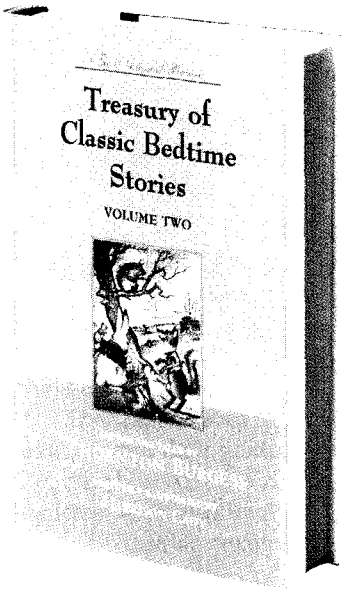

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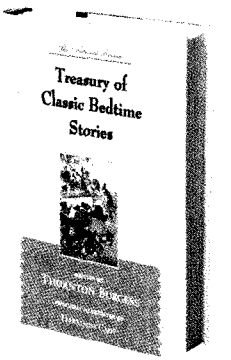

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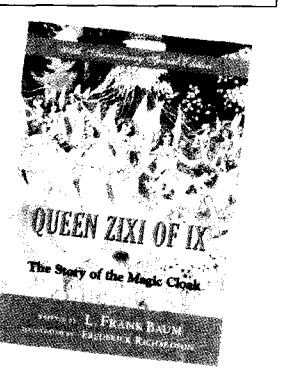

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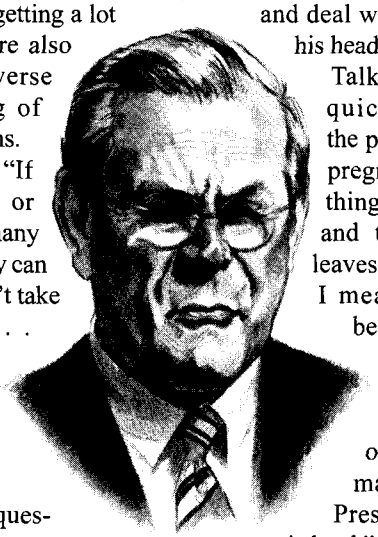
good, straight, upward path. We all knew all along the Cold War would last a long time. We knew all along it would be tough, but we never wavered and never doubted.' And we *did* waver and doubt, and there were plenty of people who got cold feet as they went along."

Victory, says the SecDef, "didn't just happen." And "I don't take it for granted."

I bring up the simple fact that a lot of people think we're losing in Iraq—including people who wish us well. Rumsfeld: "Yeah, the people who are there don't. Our military people don't feel we're losing. The people we're up against don't feel we're losing. And they feel they're having troubles. They're getting a lot of people killed." They're also worried about the "adverse reaction" to the killing of many Muslims by Muslims.



Look, says Rumsfeld: "If the measure of success or failure depends on how many Muslims they can kill, they can kill a lot of them. It doesn't take a genius to kill people. . . . But when you read what they're writing and what they're saying to each other, they don't feel they're winning."

Naturally, I raise the question of troop levels. An argument has been going on for years now: Rumsfeld, and the president, say that they listen to the commanders on the ground and give them all they need. The administration's critics say, "Yeah, but the commanders won't tell them what they really think; they think they have to tell them what they want to hear."

Rumsfeld: "It's kind of insulting to the senior military people in this government to suggest that they're incapable of saying what they believe. I have trouble believing that's the case. In fact, it's belied by the facts. We've had instances—very recently—where they came and said they needed additional troops and we gave them additional troops."

More Rumsfeld: "It's not something that can be micromanaged from Washington. . . . I know *I* can't. I'm not smart enough to know where [troops] ought to be located and how many there ought to be. So what you do is, you roll the dice and you pick the best people you can find in the military to take those jobs, and then you insist that they tell you the truth with the bark off, and they do."

Rumsfeld mentions that he sent the 172nd Stryker Brigade into Baghdad, "when they were due home." General Casey had asked for the support. "It wasn't a very popular thing to do," says Rumsfeld. "I then went out and met with 800 spouses of this group, and that's not your first choice."

I hear a story—not from Rumsfeld—about his visit with these 800. Apparently, one lady came up to him and said, "You must have balls of brass to come here and deal with us." Rumsfeld threw his head back and laughed.

Talking with him, I make a quick shift to Iran: Will the president do something—pregnant phrase, "do something"—about the mullahs and their nukes before he leaves office in January '09? I mean, will the challenge be left to Hillary? Rumsfeld says, "That's not something I'd want to speculate on." Iran is "on a diplomatic track," and President Bush is "working it hard." He "recognizes the dangers," says Rumsfeld, rest assured.

Okay. How about this term "Islamic fascists"? Does Rumsfeld think it's a good enough description for the enemy we're facing?

"Oh, goodness," he answers. "No, I don't." But then there's something wrong with every other appellation you could come up with. Relatedly, there is a problem with the phrase "War on Terror," says Rumsfeld: "It leads one to believe that it's a war in a traditional, conventional sense. And it's not in any way conventional. It's as asymmetric and irregular as anything could be. We're not massing large armies, navies, and air forces. We're not going to end it with a signing ceremony on the USS *Missouri*."

Moreover, "terror is not really the problem. Terror, in one sense, is the weapon of choice of a small cluster of violent extremists who use that, not for the purpose of killing you, but for the purpose of terrorizing you—that is to say, to alter your behavior so that you'll do what it is they want done in the world as opposed to what it is that free people feel like doing when they get up in the morning."

In the end, the war will be won mainly by Muslims "who don't want to see their religion hijacked" and who don't think that "beheading people and forcing everyone else to be exactly like they want them to be is the preferred way of life." And "our job is to try to create an environment where they can prevail."

Rumsfeld knows that this is not a sweet time in American politics, but he had some rough sledding the first time he was secretary of defense, too. This was in the mid-'70s, under Ford. He recalls that the Berrigan brothers—the famous activists Daniel and Philip—dug graves on his front lawn. Rumsfeld's kids couldn't go to school, not being able to pass through the demonstrators.

And, war aside, Rumsfeld is trying to "transform this institution," as he says. (He means the Department of Defense.) And this effort at transformation has brought down the wrath of "the Iron Triangle around this town: the bureaucracy, the defense industry, and the Congress." But arduous transformation is proceeding apace. "We're getting an enormous amount done," says Rumsfeld.

And how about SDI? This man is a big SDI-er, from way back—one of the first. He was in the White House in March 1983 when President Reagan made his historic speech. Is this program, too, proceeding apace?

Absolutely, says Rumsfeld. In a reflective mood, he reminds me how "theological" the debate used to be—not just on the part of SDI opponents, but also on the part of proponents: Some insisted on space-based defenses, others on sea-based. "Everyone was arguing with everybody."

Rumsfeld said, in effect, nuts. He rejected the idea that you couldn't do anything until you could do everything. He said—these are his words—"Let's get on with it. Let's stick something in the ground and not pretend that it's perfect," and if people say, "It hasn't been fully tested," so what? The Pentagon hadn't fully tested other key systems, "and we stuck them into operation without fully testing them because they were there. And they've gotten better since."

DARREN GYGI

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Same with missile defense: "I mean, we're evolving it as we go along."

At the end of our conversation, I turn back to Iraq: Is the war actually winnable? Rumsfeld says, "It is certainly not going to be winnable on our timetable. It's going to be winnable over time by the Iraqi people." The Philippines worked their way through a tough period, and Algeria worked its way through an even worse one. And the Iraqi people, according to Rumsfeld, will ultimately prevail over the violence now wracking their country.

"And our task," he reiterates, "is to get them in a position where they're capable of defending and governing and managing that country." And "we're making darn good headway," with over 300,000 Iraqi security forces, "a good fraction of them" DoD-trained.

Before I leave, Rumsfeld fishes in a drawer (one-handed) and gives me a kind of souvenir: It's the famous satellite photo of the Korean peninsula, taken at night. The South, of course, is all lit up; and the North is almost completely dark. Rumsfeld points out that the peninsula is inhabited by the same people—Koreans—with basically the same natural resources. What has made the difference? Freedom versus totalitarianism.

It is a point Rumsfeld has always pressed, and presumably always will. **NR**

■ **CULTURE WATCH**

A Wider View

In defense of eating heartily, and stiffing the fat police

DAVE SHIFLETT

One of the more amusing events during the Katrina anniversary was listening to Richard Simmons throw a hissy fit about southern eating habits. Simmons, a New Orleans native and former fat boy who now skips rope for a living, announced that when southerners get stressed they eat too much.

Old-schoolers will note the bad taste in crying "fatty" in a city known for its food and drink, especially as New Orleans continues to reel from ministrations delivered by "Mother Nature," as the unreflective call that brutal entity. They will also note that food is one of the greatest of sedatives and southerners are hardly the only people to "self-medicate."

Yet the fitness guru's unsolicited sermon reminds us of the times we live in. Calorie cops roam the nation and especially its airwaves with a missionary spirit that trumps good taste, good sense, and whatever good breeding may have been encountered early on. It is beyond decency to preach the Gospel to cannibals (more about which later) but heroic to thunder at Americans for eating fried potatoes.

Even The Children are fair game: Some school districts have considered designating heftier students as fatties. Perhaps a scarlet F will soon be affixed to their lunch cards.

We southerners, of course, shouldn't be too hard on these people. One must make a living somehow, and it would be far worse, for example, to be turning tricks down at the local Greyhound terminal. At the same time—and especially with the feasting season fast approaching—we might be the best ones to suggest that the nation needs to lighten up on the fat chat. A wider view is in order.

Southerners, to be sure, are the right people to take up this Crusade. Following the example of our Lord, who by

Mr. Shiflett's latest CD, with the band Karma Farmers, is *Songs for Aging Cynics* (available on Apple iTunes). He is slowly but surely expanding near Richmond, Va.

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all accounts was on the lean side (though he didn't make a show of it), we can preach what we clearly practice. We are tops in the caloric class, with our bona fides recently recalibrated by the Trust for America's Health.

The Trust found the highest obesity rates in southern states: Dixie places eight states in the top ten, including first-place Mississippi, where 30 percent of adults are said to be obese. Other states on the roll of honor include Alabama (28.7 percent), Louisiana (27.4), and South Carolina (26.2). Arkansas and Texas are up there too, but they're not considered southern by all southerners.

To be sure, obesity as defined by the government doesn't do justice to our more accomplished eaters, who are able to convert coal to diamonds simply by standing on a clinker for a few seconds. A 5-foot–4-inch fellow weighing 175 pounds is obese by government standards, even though he might be solid muscle. We have desserts weighing that much.

Yet these are not times to quibble. The fact is we do like to eat, but not simply because we are stressed (which is why God made bourbon). By our lights a big belly reflects an expansive love of life—and the rejection of the fearful philosophy of the hard-body types.

Accordingly, we do not cringe at the words of Manhattan nutritionist Mary Dorfman, who recently said of southern cuisine, "A lot of their foods are fried. Fried foods add a lot of calories." Indeed, we say, "Amen, sister."

Fried foods, after all, are good. Really good. Broil a piece of flounder and you have created an argument for ketchup. Fry that same piece of fish and you have created a plateful of bliss, especially when supported by a small platoon of hush puppies—fried cornmeal that is a taste sensation along the lines of listening to Scarlatti. Frying is no curse but a blessing. It is also a great equalizer, capable of turning hum-drum cuts of meat, fish, and even vegetables into something worthy of the Sons and Daughters of Adam.

Indeed, there are few substances on earth that do not achieve a measure of glory through full immersion in boiling oil, including foods closely associated with the alimentary canal.

Chitterlings, which in theory would be a meal eaten only at gunpoint, are in practice a dish capable of drawing large crowds great distances during dangerous weather conditions. The substance known as scrapple, which some of us refer to as packaged pig molecules, experiences the same sort of transubstantiation. No wonder the pious southerner, when at prayer, never forgets to include the fry cook in his petitions.

Calorie counters, it should be noted, do have their rewards, among them being fairer on the eyes. Yet a paradox is at work, for the mind that fears the feast

A southerner of classic proportions: Junior Samples

is often quite brittle, judgmental, and indeed dyspeptic when compared with that of the joyful eater, which is adaptable, inclusive, and charged with the spirit of discovery. The latter tend to be better company.

Wide are their vistas, though they bring their own set of challenges. After all, it takes a brave spirit to gobble down brains, feet, eyeballs, snouts, eels, snakes, alligators, insects, octopus, and some forms of rodent life.

It is also true that the spirit of discovery can take eaters too far afield—even to fields where forbidden fruit is harvested. A revered uncle, now deceased, once told me of a dining experience in China, during the '30s, when he consumed a portion of one of Adam's children. These were very tough times, he said, suggesting the entrée's prospects were very poor at best. He was also interested in learning what this particular dish might taste like (answer: fish). We don't talk about this much—he was only "experimenting" with cannibalism, after all—but the danger of unchecked passions must be noted.

All told, however, feast is better than famine for most of us, though certainly not all. A recent world conference on obesity, held in Sydney, echoed with fearful warnings, including a report that there are now more obese people in the world than registered malnourished. One participant noted that "this is the first generation in history where children may die before their parents," suggesting unfamiliarity with last century's two world wars. There was also some West-whacking going on: The international rush to the buffet table was said to be "led by affluent western nations, whose physical activity and dietary habits are regrettably being adopted by developing nations."

The fact, of course, is that no one needs guidance on how to get fat. All they need is food, and when nations that have known nothing but starvation finally get the opportunity to dip into the world's cornucopia, they go in with both eyes, and mouth, wide open.

To no surprise, expanding waistlines are inspiring expansive "remedies." Bronx councilman Joel Rivera, for instance, wants to limit fast-food sales in neighborhoods that show high rates of obesity, meaning fewer Big Macs for the poor. Other activists want employers to subsidize health-club memberships and local governing bodies to fund more sidewalks. A bit of caution was thrown in by one activist: "If we're urging people to walk more, and their streets are not safe, that's an unrealistic expectation." Looked at another way, that could vastly improve sprinting ability.

Twenty years ago, according to a recent report, a typical breakfast muffin weighed 1.5 ounces and provided 210 calories. Today, muffins are up to four ounces and 500 calories. For some, that's inspiration for alarm and legislation. For others, it raises a question:

Can we get some gravy on that? **NR**

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PSA COUNT UP? TOO MANY TRIPS TO THE BATHROOM?

Help lower your PSA naturally and get the rest your body needs

By Richard Huemer, M.D.

The U.S. Government has announced that they will be conducting the largest ever study on Cancer. The study will determine what are the long-term effects of Selenium and Vitamin E on the Prostate Gland and its potential for protection against Prostate Cancer.

Never was a word more feared than Cancer. Everyone is afraid of it; but, if one form of Cancer strikes at the definition of a man, it's "Prostate Cancer". It not only threatens a man's life, but his manhood. That is why this study currently under way by the Government is of such interest. WHAT IS IT THAT THE GOVERNMENT KNOWS THAT WE DON'T?

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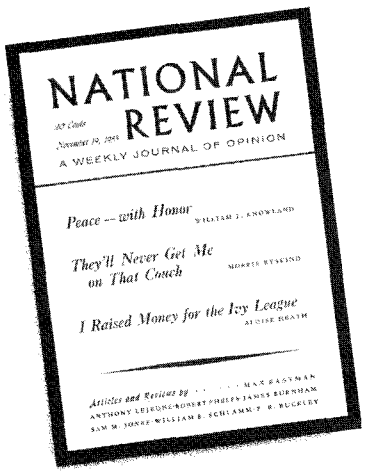
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■ CULTURE WATCH II

Diversity on The Prowl

Don't go stereotyping child molesters

FLORENCE KING

If "informed Americans" seem unable to get a handle on the country's social problems, it could be that the public forums of our vaunted Information Age are more committed to showing the extent of a problem than to doing anything about it.

Examine any social-problem show and you will find that it is set up in a certain way. First comes the maniacal calibration for balance and diversity among the guests, ensuring that the dead hand of predictability will prevail for the entire two-hour special. Next comes the declaration of war against stereotypes and the promise to banish them. Then we get the "cuts across" announcement that goes: "This [crime, behavior, addiction, disease] cuts across our national life, afflicting Americans of every age, educational level, occupation, and socio-economic status." It is not necessary to include race-color-creed-gender here; they have already been taken care of in the guest lineup.

The latest topic to be taken up by the social-problem shows is pedophilia, which appears to be cutting across such a wide swath of America that it has taken shape in our minds as a map of flight patterns out of O'Hare. If Will Rogers never met a man he didn't like, informed Americans have never met a man who wasn't a child molester. In the cuts-across spiel they are described as "clergymen of all faiths," followed by the Big Three of the laity—doctors, lawyers, and business leaders. Then teachers, librarians, coaches, and camp counselors; followed by society's "backbone" of mailmen, truck drivers, and gas-station attendants; then the homeless, and finally, paroled pedophiles.

With this much diversity on the prowl nobody will ever be able to stereotype pedophiles again, which is the whole point as far as the producers are concerned. The informed American comes away from the social-problem show with no answers, just more information, and mental images far more frightening than yesteryear's discredited figure of the solitary, abnormal "sex fiend." Better one Bruno than the entire Chamber of Commerce, we mutter, but it's too late. The definition of the New Pedophilia is: "No child left behind by a cross-section of the community."

The cross-section now has more sections to it thanks to the New Immigration, which has created fresh hells for the guardians of political correctness, who must be especially alert when discussions of pedophilia get into "cultural differences," e.g., men with a legacy of machismo, or men from countries with a history of child brides.

This could get sticky but seasoned practitioners of the PC arts always find a way. Whenever anyone brushes too close to a recognizable profile, they use airline-security logic and attribute everything to everybody so that no one will have any individual characteristics whatsoever. Machismo? Look at Australians. Child brides? Look at Appalachia. It's a far, far better thing to create a tabula rasa than risk letting a stereotype slip by. This is why our debates never seem to go anywhere; there's not much you can say about a tabula rasa.

With an intellectual climate like this, it was only to be expected that John Mark Karr, the wannabe murderer of JonBenet Ramsey, would traumatize the entire country. The moment we laid eyes on him we knew it was impossible *not* to stereotype him. If anyone had ever gone beyond stereotype and into the realm of pure quintessence, it was he. With his pencil neck, his reedy little body, his trousers under his armpits, and his almost tangible air of total inadequacy he was the classic casting-office creep, and a WASP creep at that. It doesn't get any better than this.

During his brief gaudy hour on the tube he was America's vacation from the

Florence King's NATIONAL REVIEW columns are collected in *STET, Damnit!: The Misanthrope's Corner, 1991 to 2002.*

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Information Age with its endless disclaimers. One look at him would stop an in-depth debate about pedophilia in its tracks; if you tried to include him in a cross-section all the other entrants would flee, which is why the media hated him: He was bad for business.

For me he offered a return to a world I know well: elderly Southern ladies who know, or claim to know, nothing about sex, who would view John Mark Karr through the prism of the gospel according to the old wives' tale. This world has a cuts-across tradition all its own. The most popular one is "change-of-life baby." Then there are "They say it runs in the family," and "They say it skips a generation." Either of these can refer to just about anything, is always received with wise nods, and holds out more melodramatic possibilities than listening to Greta and Nancy drone on about DNA. If you want to frustrate an over-analytical pest, say "It's just one of those things." And if you want to cause cardiac arrest among ding-dong feminists, say "His best girl is his mother."

Pedophilia *is* a serious problem, an "epidemic," as the media calls it, and we should investigate it, but not the way we are presently going about it. We should put aside the in-depth series and the comprehensive two-part specials and use a little imagination and common sense to understand how America encourages sexual lust for children.

Earlier this year a cross-section of professional men and backbones of society were surprised by NBC's Chris Hansen as they perched naked on a kitchen stool in his multi-part entrapment series. The show, a burlesque skit wrapped in a Victorian melodrama, starred Hansen as Thomas Trueheart, the wholesome, all-American avenger who catches rabbis as they traipse through the door singing out "I brought the condoms" to the teenage girl they think awaits them.

What makes men like this want sex with kids?

Maybe it's our long-established practice of throwing children at people. Take just one example from the advertising world: The Campbell's Soup kids used to be fat, comical cartoon figures but now they are real children, and the TV ads feature close-ups of their glistening mouths as they slurp up their noodles and try to twirl them with their tongues.

Maybe it's our movies. In *From Reverence to Rape*, film historian Molly Haskell objects to the inclusion of children in movies whose plots do not require them. Just offhand I can think of two movies made 40 years apart that contain intrusive and completely extraneous prepubescent girls. In *Thunderhead, Son of Flicka* (1945), the girl is the daughter of Gus, the Swedish ranch hand. In the Mary O'Hara novel on which the movie was based, Gus is a consummate bachelor and western loner who lives in the bunkhouse and has no personal life apart from his mute devotion to his employer. The girl does nothing in the movie except show off her cuteness and get in Roddy McDowell's way.

The other movie is *Jaws: The Revenge* (1987). The Widow Brody visits her son the oceanographer, who has a six-year-old daughter who never shuts up. She interrupts adult conversations with pointless drivel, squeals and laughs over everything, and coquettishly demands that Michael Caine teach her how to fly his plane. Her sole dramatic function is to be in the tourist boat that the shark pursues but the scene would have worked without her and the movie would have been cheaper to make: She's in practically every scene.

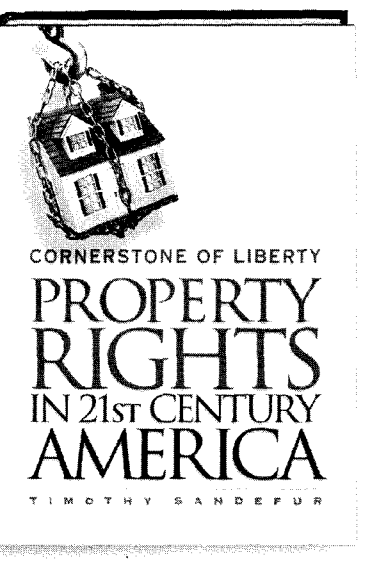
Another reason for our epidemic of pedophilia is one that belongs in the dare-not-speak-its-name category: Men want virgins. I can understand why. They find it flattering, and it brings sweetness and sensuality together in a heart-stopping way, as Charles Reade described in *The Cloister and the Hearth*: "She came to him glowing with two beauties never before united, an angel's radiance and a woman's blushes."

A normal, well-adjusted man wants an adult virgin, but they're in short supply nowadays so he goes on his way, indulging himself only in wistful thoughts. But the insecure man, or the psychologically damaged man, finding no adult virgins, might be tempted to go down the food chain until he found what he wanted.

It doesn't help matters that since September 11, 2001, America has heard more talk about virgins than at any time since the 1950s. There may be more to the War on Terror than we realize. **NR**

All private property is now vulnerable.

—JUSTICE SANDRA DAY O'CONNOR
dissenting on the *Kelo* case



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Question Time

The interrogation of terrorists by an idealistic country

DAVID B. RIVKIN JR. & LEE A. CASEY

THE Bush White House is locked in an acrimonious debate with Republican senators John McCain, Lindsey Graham, and John Warner over legislation to establish military commissions for the trial and punishment of captured terrorists. At issue are two competing forms of such legislation: the administration's proposal and an alternative that has emerged from the Senate Armed Services Committee. To the casual observer, the differences between the two bills may seem trivial. Both answer the Supreme Court's ill-judged decision in *Hamdan* v. *Rumsfeld*, which invalidated the military-commission rules originally established by presidential order. Both also try to preserve a CIA program authorizing the use of stressful interrogation methods against "high value" terror detainees, such as 9/11 mastermind Khalid Sheikh Mohammed (KSM). In fact, the differences between the proposals are significant, and reflect contrasting visions of international law, especially on the question of interrogation. The Bush administration has the better arguments.

Messrs. Rivkin and Casey are partners in the Washington, D.C., office of Baker & Hostetler LLP. They served in the Justice Department during the Reagan and George H. W. Bush administrations.

The sticking point involves a hitherto obscure treaty provision—Common Article 3 of the 1949 Geneva Conventions—that the Supreme Court concluded was applicable to the conflict between the United States and al-Qaeda. In fact, the Court was wrong. Al-Qaeda is not a party to the Geneva Conventions. (Not putting too fine a point on it, al-Qaeda operates in ways that are the exact opposite of what the Geneva Conventions require.) Moreover, by its own plain language, Common Article 3 does not apply to international conflicts such as the War on Terror. Rather, it covers only conflicts "not of an international character," and was designed to impose minimal humanitarian rules on *civil* wars. Nevertheless, five Supreme Court justices appear to want Common Article 3 applied to the War on Terror, and the Bush administration has accepted their opinion as the law.

Common Article 3, however, is not self-explanatory, and it is not obvious what the U.S. must do to be in compliance with it. Like so many international rules, it is a mix of detailed prohibitions—against murder, torture, and hostage taking, for example—and less precise proscriptions. The most important of

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these, for present purposes, is a prohibition against "outrages upon personal dignity, in particular, humiliating and degrading treatment."

The Bush administration has never suggested that detainees could be tortured or subjected to "cruel, inhuman, and degrading treatment"—things that were specifically banned by Congress last December when it passed the Detainee Treatment Act (DTA). This law applies to all U.S. government agencies, including the CIA. At the same time, the stressful interrogation methods that broke KSM and frustrated another attack on U.S. soil, though not constituting torture, could be considered humiliating. Indeed, terms like "humiliating," "degrading," and "outrages upon personal dignity" are so ambiguous—and so dependent on the circumstances of any given case—that, without precise definition, even methods routinely employed by civilian police forces against ordinary criminals might well be considered violations. This, of course, was not the intent of the Geneva Conventions, which were meant instead to reserve the highest levels of protection for honorable prisoners of war (as opposed to unlawful combatants who fight out of uniform and target civilians).

To deal with these ambiguous terms, the administration is proposing several provisions. First, it would incorporate a series of definitions into existing U.S. war-crimes law, giving clear guidance to CIA interrogators and ensuring that they will not be prosecuted for—as the president put it—"doing their jobs in a thorough and professional way." These definitions would establish that only serious and unambiguous violations of Common Article 3—including torture, cruel or inhuman treatment, performing biological experiments, murder, mutilation or maiming, intentionally causing great suffering or serious injury, rape, sexual assault or abuse, or taking hostages—are unlawful. Each of these terms would be carefully and completely defined, and conduct that did not meet the statutory threshold would not be considered a war crime by the United States. In addition, and perhaps most important of all, the administration's bill would make clear that compliance with the DTA's prohibition of "cruel, inhuman, or degrading treatment" constitutes compliance with the United States' obligations under Common Article 3.

> The Bush administration has never suggested that detainees could be tortured or subjected to 'cruel, inhuman, and degrading treatment.'

A BAD ALTERNATIVE

The Armed Services Committee bill, by contrast, would proscribe a similar group of offenses but provide less-detailed definitions on which interrogators carrying out their work could rely. In particular, it would define "cruel, unusual, or inhumane treatment" as that which is "prohibited by the Fifth, Eighth, and 14th Amendments to the Constitution" rather than as the infliction of "severe physical abuse"—the administration's definition. And it would not make clear that compliance with the DTA's requirements constitutes compliance with Common Article 3. Although Senators McCain and Graham (both supporters of the committee bill) have said that they want the CIA's detention program to continue, and have acknowledged the importance of providing legal certainty to CIA interrogators, they have strenuously objected to the administration's effort to make clear that the DTA satisfies U.S. obligations under international law—arguing that unacceptable consequences would follow from statutorily defining Common Article 3's ambit in this manner. This view is mistaken.

First, supporters of the committee bill say that parsing Common Article 3's meaning

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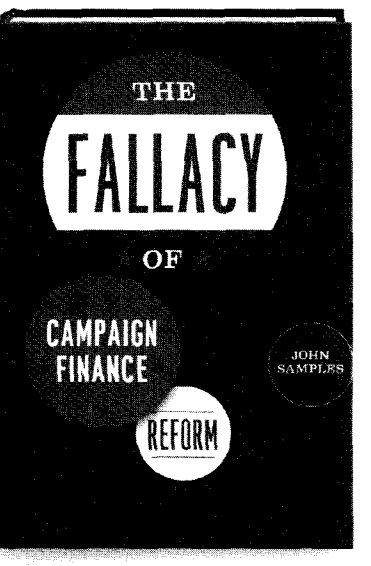

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is unnecessary. They reason that the only statutory language that matters in determining what interrogators can and cannot do is that in the War Crimes Act, which prohibits cruel, unusual, and inhumane treatment. If the CIA needs guidance on whether its planned interrogation techniques violate this standard, they say, it can obtain legal advice from the Justice Department.

But although the CIA can seek guidance from Justice, it is by no means obvious that department officials will be prepared to reach controversial but necessary legal conclusions, given the shameful vilification of former officials who have written opinions on these matters, such as John Yoo. Moreover, even if a favorable opinion were obtained, nothing would prevent a future Justice Department, under another president, from reversing its view. In such a case, the existence of the previous opinion might well prevent a successful prosecution of CIA interrogators, but it certainly would not prevent an attempted prosecution. And an attempt, however baseless in law, can ruin its targets professionally and financially.

In addition, CIA interrogators would have to worry about potential foreign prosecutions. While it may be impossible to eliminate all risk in this area, it is difficult for a foreign prosecutor to target an American agent who has clearly followed the law of his country. The United States, as an independent sovereign, is entitled to interpret Common Article 3 and define specifically what constitutes a breach of it. Its interpretation would be as valid in international law as that of any other nation. But the committee bill declines to offer such an interpretation. Indeed, its language—and the debate between the White House and the Republican senators—suggests that there are differences between obligations under the U.S. War Crimes Act and international-law obligations as defined by Common Article 3. It could consequently have the ironic outcome of making the foreign prosecution of American agents more, not less, likely.

Moreover, CIA interrogators justifiably want more than a simple assurance that they will not be hauled off to jail or impoverished by litigation. As President Bush has noted, they have a right to know that their actions are morally and politically proper. This validation has become particularly important following the political attacks on stressful interrogation methods over the past several years—attacks launched by Senators McCain and Graham, among others. Since they helped create the problem, and claim to want the CIA program to continue, they should be part of the solution.

FLAW UPON FLAW

Second, supporters of the committee bill argue that the United States would violate its treaty obligations, and enrage its European allies, if it "weakened" the protections of Common Article 3 by passing the Bush proposal. But the sad truth is that Europe will not accept any standard for interrogating al-Qaeda detainees that is not as stringent as Geneva protections for honorable prisoners of war. That means no stressful interrogation methods of any kind—a standard that the Europeans believe they agreed to when they adopted the Protocol I amendment to the Geneva Conventions. This amendment was prompted by a misguided effort in the 1970s to privilege the irregular fighters in anti-colonial "national-liberation movements." The U.S. flatly rejected it during the Reagan administration for the very reason that it would protect terrorists. In other words, for the U.S. to satisfy fully its European allies, it would have to disregard the longstanding distinction between lawful and unlawful combatants and eschew all stressful interrogation methods—even if this caused additional American deaths from terrorism.

It is precisely because the United States has *not* followed Europe in privileging unlawful combatants that the administration's proposal would not violate international law, including Common Article 3. To the contrary, by defining Common Article 3's requirements, the proposal would be implementing America's obligations. Translating the vague norms of international law into language that is precise and appropriate for a particular domestic legal system is the key obligation of the signatories to any treaty. To say that the U.S. is bound by the interpretations other states have already adopted on their own is to say that the U.S.—unlike those other states—is dependent on the "international community" to decide whether a given definition of its treaty obligations is legitimate. This is not the law.

It is precisely because the United States has *not* followed Europe in privileging unlawful combatants that the administration's proposal would not violate international law, including Common Article 3.

The current Congress's reluctance to clarify America's Geneva obligations is surprising, given the criticism that former Congresses have leveled against the executive branch for trying to interpret and define the United States' international rights and duties. Despite the president's well-established constitutional authority to interpret treaties, Congress has for many years demanded a major role in this process, allegedly to lend greater legitimacy and durability to U.S. positions. (For example, Congress tried to impose its vision of international law during Reagan-era debates about the proper interpretation of the ABM and INF treaties.)

In any case, it should be emphasized that Common Article 3 is particularly ripe for statutory clarification because concepts like "humiliating," "degrading," and "personal dignity" are intensely cultural. Americans, for example, would not generally view being interrogated by a woman—or a Christian or a Jew—as humiliating. To Islamist extremists, however, it may

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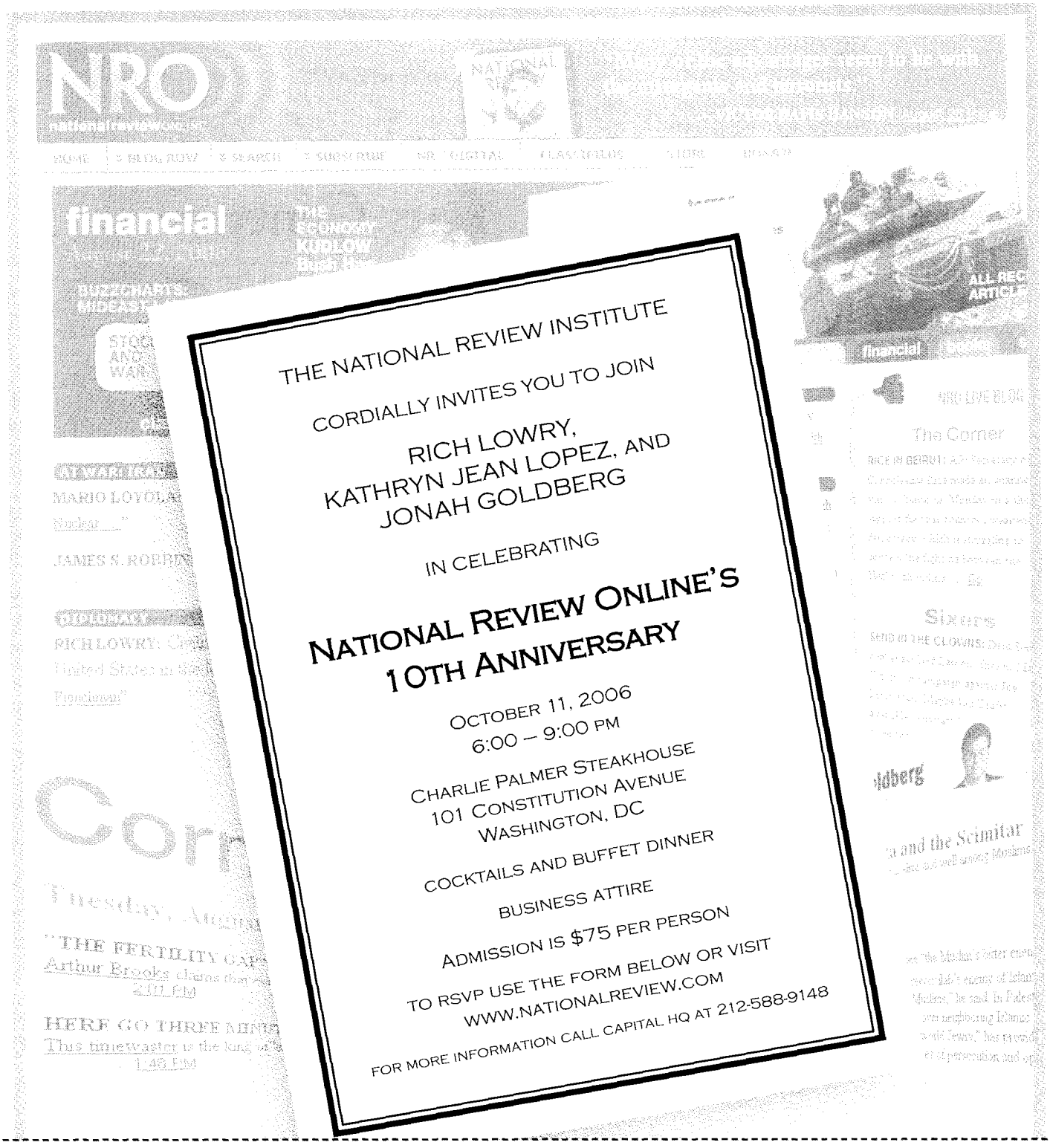

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well be deeply humiliating. Similarly, there are cultures where a hostile, "good cop/bad cop" style of interrogation would be considered humiliating or degrading. Something similar may be true even of ordinary military training methods. The United States uses highly stressful training programs on its own troops, particularly its special forces. Other countries view such training as humiliating; yet these differences of opinion do not mean that the U.S. must adopt the most stringent standard in the world in order to be compliant with its Geneva obligations.

GI JOE VERSUS OSAMA

Third, defining the requirements of Common Article 3 in relation to U.S. standards, and making those standards clear, would not endanger American soldiers now or in the future. This is one of the most often articulated arguments against the administration's War on Terror policies, and one of the most specious. American troops are currently and will continue to be legally entitled to the highest level of protection under the Geneva Conventions because they meet the basic criteria of lawful combatants: They are subject to a regular command structure, wear uniforms, carry their arms openly, and conduct their operations in accordance with the laws and customs of war (including the injunction against targeting civilians). In any future conflict, any state inclined to obey the Geneva Conventions will make this distinction between American troops and al-Qaeda fighters—both because it is the law and because the forces of our future nation-state enemies will almost certainly be entitled to POW treatment as well.

Al-Qaeda and its allies, on the other hand, do not accept the Geneva Conventions at all. They recognize only their own perverse interpretation of Islamic law, which permits them to treat captives with the basest cruelty. Congress cannot change this simple and undeniable fact no matter which bill it enacts. Granting captured al-Qaeda terrorists the Geneva rights they have not earned will do nothing to protect captured Americans—just as the U.S. decision during Vietnam to grant POW status to Vietcong guerillas did not win Geneva treatment for American prisoners in Hanoi.

Finally, contrary to what administration critics claim, the White House's proposed legislation is no more vulnerable to legal challenge than is the committee version. The Supreme Court admittedly has a knack for reaching inventive decisions, and certain justices may well dislike the administration's approach. But Congress, in passing the president's legislation, would be exercising its constitutional authority (granted in Article I, Section 8) "to define and punish . . . offenses against the Law of Nations." Moreover, even if the Court concluded that the administration's bill, once enacted, was inconsistent with Geneva, it would be the treaty—not the law—that would have to give way. In other words, Congress has the authority to trump a treaty with a statute.

Make no mistake: The interrogation methods used by the CIA are harsh, and they should be debated. If Congress is not prepared to support their use, then they should not be used. But if that is Congress's decision, it must be prepared to take a large share of the blame next time there is a "failure to connect the dots" and innocent people die. **NR**

■ **COVER STORY II**

Trials of This Century

When you prosecute a terrorist . . .

ANDREW C. McCARTHY

"It would be unacceptable, legally," Sen. Lindsey Graham of South Carolina inveighed to the *New York Times* on September 8, "to give someone the death penalty in a trial where they never heard the evidence against them."

Such has been the distortion of President Bush's eminently sensible proposal for the trial of unlawful alien combatants—which is to say, of brutal al-Qaeda jihadists. In fact, no one, least of all the president, has proposed anything remotely like the star chamber of Graham's Michael Mooreish description. As an accomplished trial lawyer and still-active military judge, Graham ought to know better.

Graham, along with Sens. John McCain and John Warner, is currently taking aim at military-commission procedures, and thereby threatening an important intelligence advantage the U.S. has in the war against Islamic fascism. Intelligence is even more crucial in this conflict than it would be in a more traditional war. The *ummah* on whose behalf jihad is waged is metaphorical; it has no territory or public fisc to defend. Military strikes and embargoes are useless against what Americans have most to fear: radical tentacles spread throughout the West and, worse, cells striving to embed in U.S. cities. Diplomacy and other efforts to win "the war of ideas" will take at least a generation to succeed—assuming that they will succeed at all. In the here and now, our main weapon is intelligence: information about who the terrorists are and what targets they are planning to strike. The lives of, literally, millions of Americans depend not only on getting that information but on preserving the sources and methods for obtaining it.

With the nation at war and under persistent threat from an enemy that seeks to mass-murder Americans, no U.S. policy initiative can responsibly go forward without accounting for the intelligence consequences. That particularly includes terrorist trials.

PROTECT THE SOURCES

Legal proceedings are a treasure trove for terrorists. Throughout the 1990s, when terrorism was treated as essentially a law-enforcement issue, jihadists—mostly aliens, some of whom had never set foot in the U.S.—were repeatedly

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brought to trial and regarded as if they were vested with the same plethora of constitutional protections as American citizens accused of quotidian crimes. That meant they were beneficiaries of the criminal-rights revolution begun in the 1960s.

Most Americans would be shocked to observe what this meant in practice. Under discovery rules, the government must provide, among many other things, any information in its possession that can be deemed "material to preparing the defense"—which means, anything a clever defense lawyer might find helpful. The current construction of the 1963 "*Brady* doctrine" mandates disclosure of any information that is even arguably material and exculpatory, and, in capital cases, any information that might induce the jury to vote against a death sentence, whether it is exculpatory or not. And the government must turn over all prior statements made by witnesses it calls, and, often, even of witnesses it does not call. This is a staggering amount of information, certain to illuminate not only what the government knows about terrorist organizations but also the intelligence agencies' methods and sources for obtaining that information.

Factor on top of that three trial dynamics that ought to be familiar to someone of Senator Graham's background. First, prosecutors draft charges broadly to take tactical advantage of rules that liberally permit introduction of evidence in conspiracy cases. Because the public interest in conviction is at its height in terrorism cases, those tend to feature the broadest indictments of all. But there is a hefty price tag: The more sweeping the indictment, the more revelation of precious intelligence due process demands. Second, whenever there is dispute about whether a sensitive piece of information needs to be disclosed, the decision ends up being made by a judge on the basis of what a fair trial dictates, rather than by the executive branch on the basis of what public safety warrants. Third, because terrorism trials are lengthy and expensive, the public interest in their being concluded with finality is immense. The risk of reversal and retrial incentivizes prosecutors to raise more discovery issues with the presiding judge, and the judge, in turn, to order more disclosure than even the generous rules require—because, in our system, judges can never be reversed for ruling in favor of a defendant on a discovery issue.

Naturally, this information banquet is routinely surrendered with judicial admonitions that defendants may use it only to prepare for trial, and may not disseminate it for other purposes. To the extent that classified information is implicated, it is also theoretically subject to the constraints of the Classified Information Procedures Act. Nevertheless, people who commit mass murder, who face the death penalty or life imprisonment, and who are committed foremost to damaging the United

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States, tend to be unconcerned about violating court orders (or, for that matter, about being hauled into court at all). Our congenial rules of access to attorneys, paralegals, and investigators (which are replicated, perilously, at Guantanamo Bay) make it a very simple matter for accused terrorists to transmit what they learn in discovery to their confederates on the outside—and we know that they do so. Indeed, in my own 1995 prosecution of the jihadist network that bombed the World Trade Center and plotted to strike New York City landmarks, intelligence from government files provided to our twelve defendants was delivered directly to Osama bin Laden in Sudan.

The Constitution does not mandate all of this beneficence. Much of it is afforded prudentially and represents the kind of justice system we want for American citizens who are presumed innocent and vested with Bill of Rights protections. It is not, however, the entitlement of aliens, much less those whose only connection to our nation is the waging of a barbaric war. To them, we owe only rudimentary fairness, not procedures that weaken government's ability to perform its highest duty—protecting Americans. Thus, for example, the German saboteurs captured in the U.S. in June 1942 were tried by FDR's military commission in July and electrocuted—after their convictions were upheld by the Supreme Court—in August.

DESIGNING A FAIR COURT

Congress should long ago have prescribed a system, such as a national-security court, which gets terrorists out of the civilian courts and affords them fundamental fairness while protecting public safety (i.e., defending our intelligence). Now, the need for action presses because of the Supreme Court's June 2006 decision in *Hamdan* v. *Rumsfeld*, which invalidated the military-commission procedures designed by the administration pending congressional action. The Court, practically speaking, imposed no barriers on what Congress might do. The aliens at issue are not entitled to constitutional protections, and the international-law obligation imposed by the Court—Common Article 3 of the Geneva Conventions—is very elastic (not to mention that Congress and the president are free to amend, ignore, or even abrogate it). It merely calls for trials "affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

The military commissions proposed by the administration on September 6 easily surpass this fuzzy standard. Contrary to Graham's posturing, our enemies would be given elaborate notice of the charges against them, and would have a presumptive—albeit qualified—right to be present at all stages of the proceedings. They would be presumed innocent (notwithstanding that they were presumed guilty on the battlefield) and the

GAMMA PRESSE

Foreign jihadists in Iraq

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prosecution would bear the burden of proof. Significantly, they would be entitled to counsel: a military lawyer underwritten by the American taxpayers they are pledged to slaughter and, in addition, a private attorney (one of the legion tripping over themselves to volunteer their services to al-Qaeda) if the combatant chooses to retain one. They would be given access, pretrial, to any evidence the prosecution intends to introduce and to any known exculpatory evidence. They would have a right to testify, or to decline to do so without the drawing of an adverse inference. They would have access to reasonably available evidence and witnesses, and to investigative resources "necessary for a full and fair trial" (which defense counsel have already been using liberally). They would enjoy the right to present evidence and to cross-examine witnesses—as well as access to interpreters if necessary to understand the proceedings. Presumptively, the trial would be open to the public, although there would be an exception for sealing portions for national-defense or witness-security purposes—substantially similar to the practice followed by the tribunals much loved by transnational progressives, such as the International Criminal Court and the war-crimes courts for Rwanda and the former Yugoslavia. Further, if convicted, the jihadists would benefit from sentencing procedures very similar to those given civilian defendants.

Graham's overwrought objection to the adequacy of these lavish protections centers on a trial rule that would allow evidence to which the accused has been denied personal access. Not denied *all* access, mind you; just *personal* access. "Where in American jurisprudence," he wrote to Secretary of State Condoleezza Rice on September 15, "do you find support for the concept that a person accused can be tried and convicted on evidence which that person has no opportunity to see, confront or rebut?"

This is a frivolous question. After all, American jurisprudence is principally about the rights of Americans, not alien terrorists who would use sensitive information to kill Americans. But put that aside. Graham's trope, more importantly, is a preposterous misrepresentation of the Bush proposal.

To begin with, the rules presume that the defendant will be permitted to review *all* of the evidence against him. The provision Graham distorts represents a rare, tightly controlled, and necessary exception that relates not to the entire trial but to isolated bits of highly classified information (e.g., the name of a witness who is still undercover and providing life-saving intelligence, or a technical explanation of a secret method that was used to intercept relevant conversations). Furthermore, as Graham the military judge should appreciate more than the

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average legislator, the denial of personal access under the Bush proposal cannot, *by definition*, deprive the defendant of a fair trial.

That's because of the prominent role the rules envision for judges. You may remember judges: They're the lawyers senators are forever seeking to interpose in such executive tasks as determining which terrorist operatives should be monitored. Here, by contrast, the judges would be asked to perform the legitimate work of judges, the work they typically do with great skill—and yet we are now told we can't trust them to do it fairly.

In any event, the rules would permit denial to the defendant of personal access to some classified evidence—specific pieces of evidence that might amount to a bare fraction of the prosecution's case—and only upon a judicial finding of "extraordinary circumstances." Not just any circumstances would do: The judge would have to conclude exclusion was necessary "(i) . . . to protect classified information the disclosure of which . . . could reasonably be expected to cause identifiable damage to the national security, including intelligence or law enforcement sources, methods, or activities; or (ii) . . . to ensure the physical safety of individuals; or (iii) . . . to prevent disruption of the proceedings by the accused." Crucially, *even if such risks were found to exist*, the judge would still not be permitted to order exclusion *if doing so would "deprive the accused of a full and fair trial."* (Emphasis added.)

Well, what if the judge made the wrong decision? In that unlikely event, the Bush rules provide for abundant appellate review. Convicted jihadists would have a right to appeal not only to a newly established Court of Military Commission Review, but then to a federal civilian appellate court (the D.C. Circuit) and, ultimately, to seek certiorari review in the Supreme Court. (By contrast, the legislation favored by Graham calls only for review by the Court of Appeal for the Armed Forces and certiorari in the Supreme Court.) That is four bites at the apple. Should we not assume that somewhere in the course of review, re-review, and re-re-review, the nation's top judges will figure out if there has been a miscarriage of justice? And figure it out not on an anticipatory hunch—which is what Graham and his allies are offering—but based on an evaluation of what courts normally demand: a complete, concrete record?

RHETORICAL MISCARRIAGE

The star-chamber bombast—including the *New York Times*'s claim that the administration would "deny suspects *and their lawyers* the right to see classified evidence used against them" (emphasis added)—is stunningly empty. In fact, each defendant's military lawyer would be given access to all of the trial evidence, no matter how sensitive and highly classified it may be. So, while the jihadist himself may be foreclosed from some sensitive details, and his privately retained counsel may also be excluded if he lacks sufficiently high clearance, this would not mean the suspect was shut out. The military lawyer, whose sworn duty is to represent the accused faithfully, would still get to review the evidence. Those lawyers—who, it should be noted, have been appropriately zealous in representing Guantanamo detainees—would have the opportunity to discuss the case thoroughly with the terrorist, and thus will be poised to make any arguments in his favor, and to strike or minimize the effect of any sensitive information from which the accused himself was precluded.

So why are patriotic, fiercely pro-military guys like Graham, McCain, and Warner implacably opposed to such patently fair procedures? Their stance is irrationally premised on a laudable impulse—concern that any perceived mistreatment of jihadists will redound to the detriment of captured U.S. forces and sully America's reputation in the world. But the unavoidable truth here is that our soldiers, if captured by Islamic terrorists, *will* be tortured and killed. That's what Islamic terrorists do. We simply do not, in law or logic, owe jihadists the same trial rights we owe *any* honorable combatants, much less *our own troops*. What's more, rewarding terrorists with rights that protect our own troops under the Uniform Military Code of Justice—the model Graham urges—can only encourage their methods, imperiling all Americans, including our men and women in uniform.

We simply do not, in law or logic, owe jihadists the same trial rights we owe *any* honorable combatants, much less *our own troops*. What's more, rewarding terrorists with rights that protect our own troops can only encourage their methods.

As for the vaunted "international community," it is rife with actors who are affirmatively hostile to American interests. And even those favorably disposed to us do not shoulder the gargantuan duties we have taken on, for our allies as well as our own citizens. Human-rights cant—oddly offered for the benefit of the most heinous human-rights violators—is a convenient cudgel for those unburdened with actual responsibilities. It cannot be the master of our national-security policy.

What we owe the world are thoughtful war-crimes trials that do justice without unduly jeopardizing innocent lives by compromising vital intelligence. President Bush's proposal provides exactly that. Senator Graham ought to be one of its most credible supporters. It's a shame that he's anything but. **NR**

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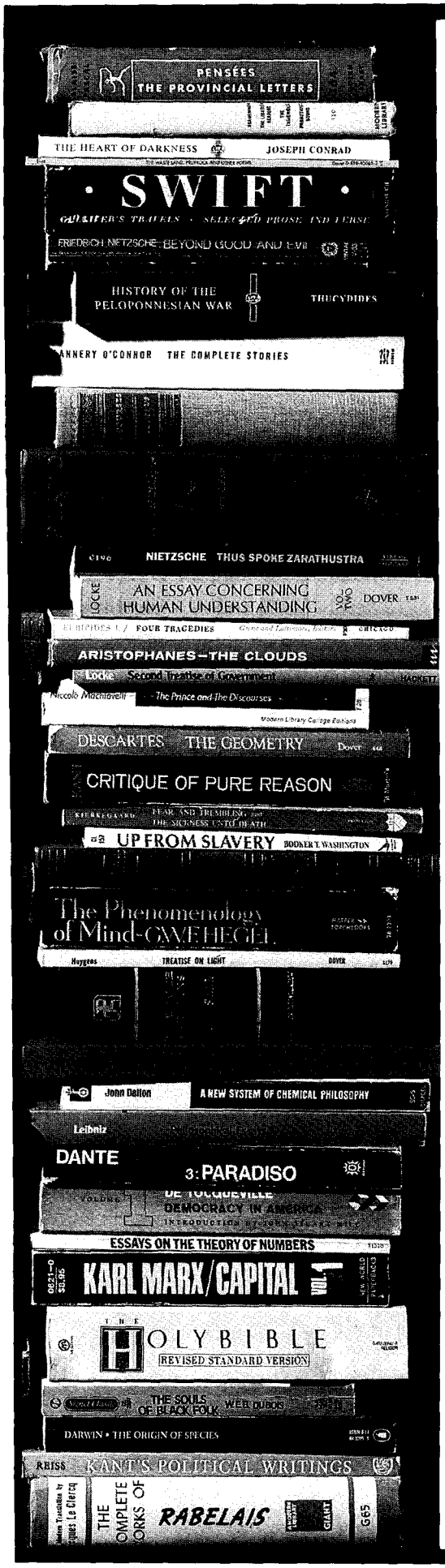
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Sounding Taps

Why military history is being retired

JOHN J. MILLER

A DECADE ago, best-selling author Stephen Ambrose donated $250,000 to the University of Wisconsin, his alma mater, to endow a professorship in American military history. A few months later, he gave another $250,000. Until his death in 2002, he badgered friends and others to contribute additional funds. Today, more than $1 million sits in a special university account for the Ambrose-Heseltine Chair in American History, named after its main benefactor and the long-dead professor who trained him.

The chair remains vacant, however, and Wisconsin is not currently trying to fill it. "We won't search for a candidate this school year," says John Cooper, a history professor. "But we're committed to doing it eventually." The ostensible reason for the delay is that the university wants to raise even more money, so that it can attract a top-notch senior scholar. There may be another factor as well: Wisconsin doesn't actually want a military historian on its faculty. It hasn't had one since 1992, when Edward M. Coffman retired. "His survey course on U.S. military history used to overflow with students," says Richard Zeitlin, one of Coffman's former graduate teaching assistants. "It was one of the most popular courses on campus." Since Coffman left, however, it has been taught only a couple of times, and never by a member of the permanent faculty.

One of these years, perhaps Wisconsin really will get around to hiring a professor for the Ambrose-Heseltine chair—but right now, for all intents and purposes, military history in Madison is dead. It's dead at many other top colleges and universities as well. Where it isn't dead and buried, it's either dying or under siege. Although military history remains incredibly popular among students who fill lecture halls to learn about Saratoga and Iwo Jima and among readers who buy piles of books on Gettysburg and D-Day, on campus it's making a last stand against the shock troops of political correctness. "Pretty soon, it may become virtually impossible to find military-history professors who study war with the aim of understanding why one side won and the other side lost," says Frederick Kagan, a resident scholar at the American Enterprise Institute who taught at West Point for ten years. That's bad news not only for those with direct ties to this academic sub-discipline, but also for Americans generally, who may find that their collective understanding of past military operations falls short of what the war-torn present demands.

The very first histories ever written were military histories. Herodotus described the Greek wars with Persia, and Thucydides chronicled the Peloponnesian War. "It will be enough for me," wrote Thucydides nearly 25 centuries ago, "if these words of mine are judged useful by those who want to understand clearly the events which happened in the past and which (human nature being what it is) will, at some time or other and in much the same ways, be repeated in the future." The Marine Corps certainly thinks Thucydides is useful: He appears on a recommended-reading list for officers. One of the most important lessons he teaches is that war is an aspect of human existence that can't be wished away, no matter how hard the lotus-eaters try.

A DYING BREED

Although the keenest students of military history have often been soldiers, the subject isn't only for them. "I don't believe it is possible to treat military history as something entirely apart from the general national history," said Theodore Roosevelt to the American Historical Association in 1912. For most students, that's how military history was taught—as a key part of a larger narrative. After the Second World War, however, the field boomed as veterans streamed into higher education as both students and professors. A general increase in the size of faculties allowed for new approaches, and the onset of the Cold War kept everybody's mind focused on the problem of armed conflict.

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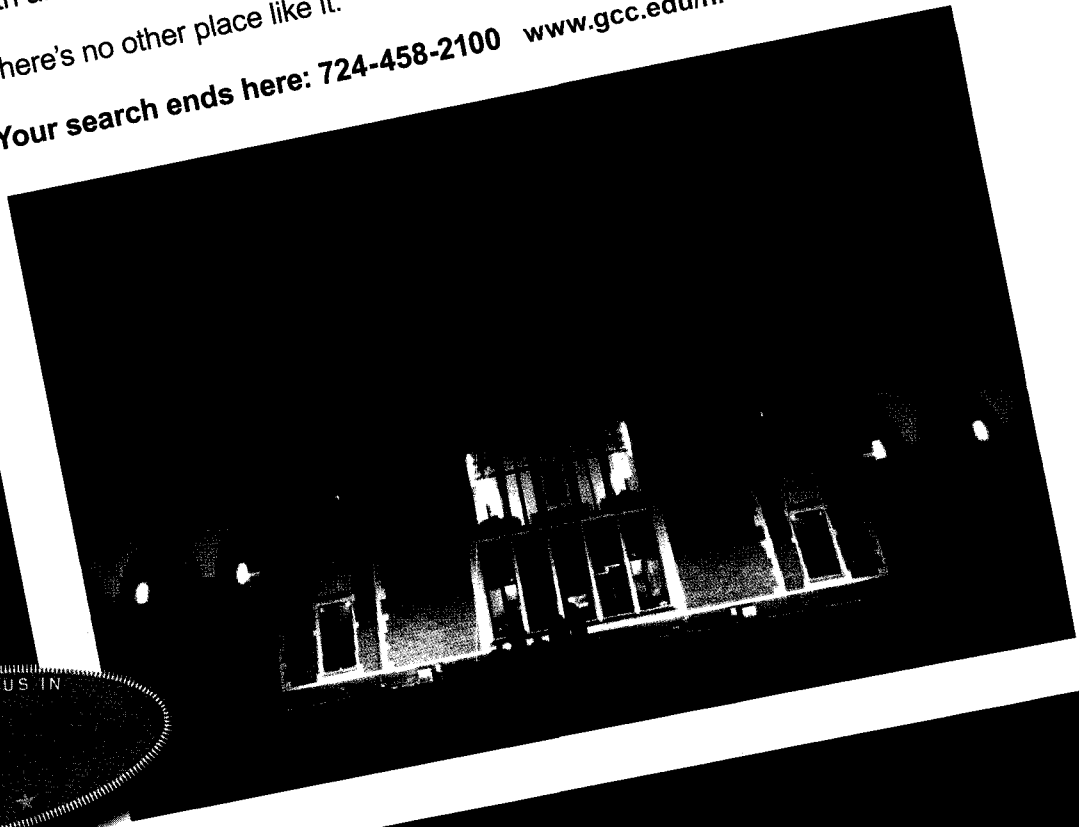

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Then came the Vietnam War and the rise of the tenured radicals. The historians among them saw their field as the academic wing of a "social justice" movement, and they focused their attention on race, sex, and class. "They think you're supposed to study the kind of social history you want to support, and so women's history becomes advocacy for 'women's rights,'" says Mary Habeck, a military historian at the School of Advanced International Studies (SAIS) in Washington, D.C. "This makes them believe military historians are always advocates of militarism." Other types of historians also came under attack—especially scholars of diplomatic, intellectual, and maritime history—but perhaps none have suffered so many casualties as the "drums and trumpets" crowd. "Military historians have been hunted into extinction by politically active faculty members who think military history is a subject for right-wing, imperialistic warmongers," says Robert Bruce, a professor at Sam Houston State University in Texas.

At first glance, military history appears to have maintained beachheads on a lot of campuses. Out of 153 universities that award doctorates in history, 99 of them—almost 65 percent—have at least one professor who claims a research interest in war, according to S. Mike Pavelec, a military historian at Hawaii Pacific University. But this figure masks another problem: Social history has started to infiltrate military history, Trojan Horse–style. Rather than examining battles, leaders, and weapons, it looks at the impact of war upon culture. And so classes that are supposedly about the Second World War blow by the Blitzkrieg, the *Bismarck*, and the Bulge in order to celebrate the proto-feminism of Rosie the Riveter, condemn the national disgrace of Japanese-American internment, and ask that favorite faculty-lounge headscratcher: Should the United States have dropped the bomb? "It's becoming harder and harder to find experts in operational military history," says Dennis Showalter of Colorado College. "All this social history is like *Hamlet* without the prince of Denmark."

Consider the case of Steve Zdatny, a history professor at West Virginia University. On his webpage, he lists World War I as one of his "teaching fields." But he's no expert in trench warfare or aerial dogfights. Here's how he describes his latest scholarship: "Having recently finished a history of the French hairdressing profession . . . I am now in the opening stages of research on a history of public and personal hygiene, which will examine evolving practices and sensibilities of cleanliness in twentieth-century France." His body of work includes journal articles with titles such as "The Boyish Look and the Liberated Woman: The Politics and Aesthetics of Women's Hairstyles."

Not that there's anything wrong with that. But when fashion history begins to crowd out military history, or even masquerade as it, the priorities of colleges and universities are clearly out of whack. "The prevailing view is that war is bad and we shouldn't study bad things," says Williamson Murray, a former professor who is now at the Institute for Defense Analyses. "Thank goodness cancer specialists don't have that attitude." The problem is most severe at first-tier schools. Two years ago, Coffman, the retired Wisconsin professor, pored over the faculties of the 25 best history departments, as determined by *U.S. News & World Report*. Among more than a thousand full-time professors, only 21 listed war as a specialty. "We're dying out," he says.

To make matters worse, faculties are refusing privately financed lifelines. Years ago, William P. Harris, the heir to a lumber fortune, tried to establish a chair in military history at Dartmouth, his alma mater. He offered $1.5 million to endow it, but the school turned him down. "Liberals on the faculty objected to the word 'military,'" says Harris, who recently pledged his money to Hillsdale College, which was happy to accept it.

Another reason for the shortage of scholars is that military historians have been shut out of *The American Historical Review*, the most prestigious academic journal for history professors. Last year, John A. Lynn of the University of Illinois surveyed the last 150 issues of the *AHR*, which comes out five times annually. During this 30-year period, he couldn't find a single article that discussed the conduct of World War II. Other ignored wars included the American Revolution and the Napoleonic Wars. There was a single article on the English Civil War, dealing with atrocities committed therein. Lynn located precisely two articles on the U.S. Civil War. One of these also dealt with atrocities. "I guess military atrocities are attractive to the editors," he says. The only article on World War I focused on female soldiers in the Russian army. "I suspect the editors liked it because it was about women, not because it was about war." The lead article in the most recent issue of the *AHR* is about wigs in 18th-century France.

Although military history is sometimes viewed as a haven for conservative academics, Lynn calls himself a liberal Democrat. Yet his politics haven't swayed any of his left-wing colleagues to accept his field. "When I retire in a few years, I'm sure they won't replace me with another military historian," he says. "That will end a long tradition of teaching military history at Illinois." Other schools already have abandoned military history. James McPherson, the most celebrated living historian of the Civil War, recently retired from Princeton; his prospective replacement, Stephanie McCurry, is an expert in gender relations. The University of

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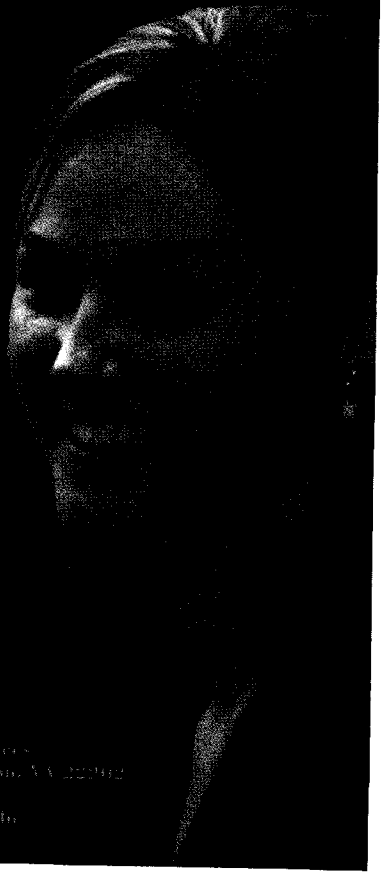

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Michigan retreated from the field when Gerald Linderman and John Shy retired in the 1990s. Purdue failed to replace the late Gunther Rothenberg. "We had a really strong graduate program, with maybe 18 students," says Frederick Schneid, a former student of Rothenberg and now a military historian at North Carolina's High Point University. "But the department didn't bring in a new military historian and now it's gone."

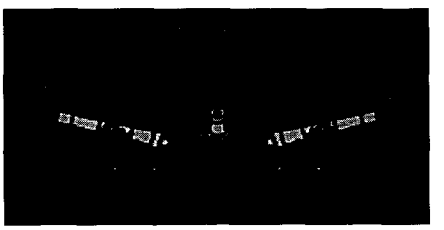
TAKING COVER

Military history still clings to a few fortified positions. The service academies continue to teach it; cadets at West Point, for example, must take two semesters of military history during their senior year. ROTC students are also required to pass a course in military history, though the quality of these classes can vary dramatically. "We prefer a member of the regular faculty to teach them, and for these courses to include battle analysis," says Army Lt. Col. Gregory Daddis, the ROTC battalion commander at the University of North Carolina at Chapel Hill. "But not every campus has a faculty that can handle this." When a school can't satisfy this requirement—or doesn't want to—the instruction is left to ROTC officers. Elsewhere, students may take "military history" courses that are more likely to concentrate on the quilting patterns of Confederate war widows than Stonewall Jackson's flanking maneuver at Chancellorsville.

Several public universities—Kansas State, Ohio State, and Texas A&M—are highly regarded bastions of military history. A handful of strategic-studies programs, such as those at SAIS and Yale, also approach the subject with seriousness. But even these strongholds are besieged. At the Massachusetts Institute of Technology, the Security Studies Program recently introduced a new logo that features a compass. "It seemed there were complaints from others at MIT that the existing logo with its 18th-century cannons was too aggressive," complained Harvey Sapolsky, the center's retiring director, in a recent annual report. "And if the cannons offend, will not the work we do as well?"

Some military historians have found refuge in the military itself. The Army alone employs more than 200 civilian historians. They write official histories, teach at various war colleges and leadership schools, and research questions for active-duty personnel. "Just before the first Gulf War, we got a call from the Pentagon asking us to describe the historical experience of the Army in the desert," says Cody Phillips of the Army's Center of Military History. "So we prepared a report that focused on the North African campaign during the Second World War."

Military historians who try for a more conventional career, however, often confront the academic equivalent of urban warfare, with snipers behind every window and ambushes around every corner. "You shouldn't go into this field unless you really love the work," warns Showalter. "And you have to be ready, like Booker T. Washington, to cast down your bucket where you are." Many talented scholars wind up taking positions at second-rate institutions because they don't have other options.



Even though they're embattled, military historians have a not-so-secret weapon: the public's love for their area of expertise. When history departments actually offer military-history courses, students flock to them. "My classes max out right away," says Sam Houston's Bruce. "I like to think it's because I'm a good teacher, but this material simply sells itself." A surefire way for a history department to boost its enrollment figures—and perhaps win funding that is tied to the number of bodies it packs into classrooms—is to offer a survey course on a big American war.

The hunger for military history is even more obvious off campus. The History Channel used to broadcast so many programs on World War II that it was nicknamed "The Hitler Channel." It still airs a lot of shows on war, and now there's a separate Military History Channel. Booksellers and publishers also recognize the popularity of military history. Most large bookstores have shelves and shelves of titles on generals, GIs, and the wars they fought. "I'm always looking for good books on military history because there's such a large audience for them," says Joyce Seltzer, an editor at Harvard University Press. The audience is highly informed, too. "If you get the tiniest detail wrong, you're going to hear about it," says Arthur Herman, the author of a book on the Royal Navy. "This feedback from readers improves the overall quality of the scholarship."

The refusal of many history departments to meet the enormous demand for military history is striking—the perverse result of an ossified tenure system, scholarly navel-gazing, and ideological hostility to all things military. Unfortunately, this failure is more consequential than merely neglecting to supply students with the electives they want. "Knowledge of military history is an essential prerequisite for an informed national debate about security and statecraft," says Michael Desch, a political scientist at the Bush School of Government and Public Service in Texas. Many voters, for instance, don't know how to contextualize the nearly 23,000 U.S. military casualties in Iraq since 2003. That's a pretty big number. But it's also roughly the level of casualties suffered at Antietam in just one day, and a small fraction of the more than 200,000 casualties endured in Vietnam.

Critics of the war also have plenty to gain from a public that has a better understanding of older conflicts. "People might have realized that we have a poor track record of using the military to do nation-building in Third World countries," says Desch. "The model isn't Germany or Japan, but Nicaragua and the Philippines." Finally, the population of Americans who have served in the military is shrinking, and with it their knowledge of what armies and navies do.

Anybody who has studied the history of war knows that it's possible to snatch victory from the jaws of defeat—it happened at Shiloh, when a Confederate attack nearly routed the Union army, only to have General Grant drive them off the field of battle the next day. Perhaps military historians can stage a similar comeback. In their efforts to do so, they will be wise to remember something that Grant didn't know back in 1862: An awful lot of brutal fighting lies ahead. **NR**

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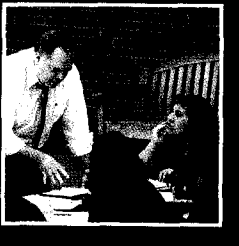

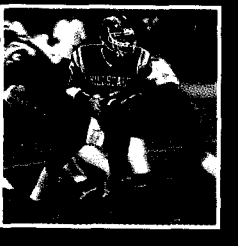

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Bush's Centerpiece

Five years on, how is 'No Child Left Behind' faring?

RAMESH PONNURU

THE No Child Left Behind Act has been something of an anomaly during the Bush years. Enacting it was a central pledge of Bush's 2000 campaign. When it passed the House in 2001, however, it drew more Democratic votes than Republican ones. George Miller and Ted Kennedy, the leading Democrats on the House and Senate education committees—and both proud liberals—had at least as much say over the final bill as Bush did.

This victory for bipartisanship occurred over conservative objections. Critics on the right complained that the administration had abandoned its support for school choice and had gone too far in federalizing education policy. The White House answered that federal action was necessary to force states to raise academic standards, and that it had struck as good a deal as it could on choice, since vouchers didn't have enough support among congressional Republicans to overcome solid Democratic opposition.

As the new law was implemented, and as the 2004 elections drew near, a lot of the bipartisan support vanished. Congressional Democrats accused Bush of breaking his end of the deal by failing to provide adequate funds. Liberal education theorists, and many suburban parents, complained that the law's vaunted "accountability system" resulted in too much "teaching to the test." State governments, including many Republican ones, complained about federal meddling and unfunded mandates. Secretary of education Margaret Spellings, meanwhile, insists that the law, "like Ivory soap," is "99.9 percent pure" and just needs a tiny amount of tinkering to be perfect.

The bill was more than 1,100 pages long, and sufficiently complex that rendering an overall judgment is difficult. When I asked Frederick Hess, an education expert at the American Enterprise Institute, to do that, he responded, "It's a little bit like asking how happy you are with what's in the phone book." But four years into the law's implementation, it is possible to assess which criticisms have proven valid and which haven't.

The accusations of underfunding don't have much merit. It's true that Washington hasn't spent as much money as the law authorized, and there may even be some areas where additional federal spending would help (and other areas that could be cut to provide the funds). But the situation is not as scandalous as the Democrats make it sound. In fact, it's routine for spending levels in authorizing laws to be treated as spending caps—to signify the upper limit of spending, not the required amount. And even though the maximum amount of funding has not been provided for No Child Left Behind, overall federal spending on education has increased 25 percent since 2001. The mandates of the law—new testing procedures and the like, which aren't very expensive—are fully funded.

What of the charge that the act has encouraged teaching to the test? "That is not a big sin in my book if you've got a good test," says Chester Finn, who studies education policy at the Fordham Foundation. He points out that Advanced Placement classes in high school are pretty openly devoted to teaching to tests—that is, to giving students the knowledge and skills necessary to do well on tests about the classes' subject matter—and people applaud them.

Earlier this year, the *New York Times* carried a front-page story alleging that No Child Left Behind, with its emphasis on reading and math, had caused schools to narrow their curricula by sacrificing other subjects. The data on which the *Times* relied were shaky. But over time, it is likely that the act will have that effect. In some schools, that won't be a bad thing: How much science are kids going to be able to learn if they can't read or multiply? In other schools, it could be a problem.

As conservatives predicted, the act's school-choice provisions have been too weak to make much difference. Kids in chronically failing schools are allowed to transfer—but only to successful public schools in their own districts. For students in the worst school districts, that means there really isn't any alternative. Also, as Hess notes, principals in the successful schools don't have any real incentive to take transfer students. Fewer than 3 percent of eligible kids have taken advantage of the opportunity to transfer. More kids have been able to use the private tutoring services the act authorizes. But this option, too, has been designed badly. The act authorizes schools both to provide tutoring services themselves and to regulate private tutoring companies—a conflict of interest that impedes the market's development.

One common complaint, lodged even by supporters of the act, is that its formulas for determining which schools are making "adequate yearly progress" need to be modified. The act requires states to create "accountability systems" to ensure that increasing percentages of kids (especially minority kids) in grades three through eight are "proficient" in reading and math. But it lets states define "proficiency." This set-up has several perverse consequences. It rewards states for setting a low bar. So while states are posting impressive gains in "proficiency," their kids aren't scoring any higher in the National Assessment of Educational Progress tests—the closest thing we have to an objective evaluation. The act also fails to reward schools for getting students close to the proficiency line but not over it. And it fails to reward them for helping kids who are already over it get even better.

But the leading alternative to this method of gauging progress has its own defects. That alternative is to measure and reward schools and states based on how much students' achievement improves. There is a certain justice to this "value added" or "growth" approach. Educators might legitimately protest against being held accountable for all the influences on their students' achievement levels that are beyond their control. But they can reasonably be held accountable for helping their students improve. The counter-argument, made by the administration and some liberal supporters of the

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act, is that the improvement standard would enshrine existing inequities. States would not be required to try to make their students, and especially their black students, proficient. And measuring improvement poses formidable technical challenges that few states have been able to overcome. Secretary Spellings has allowed Tennessee and North Carolina to test the value-added strategy.

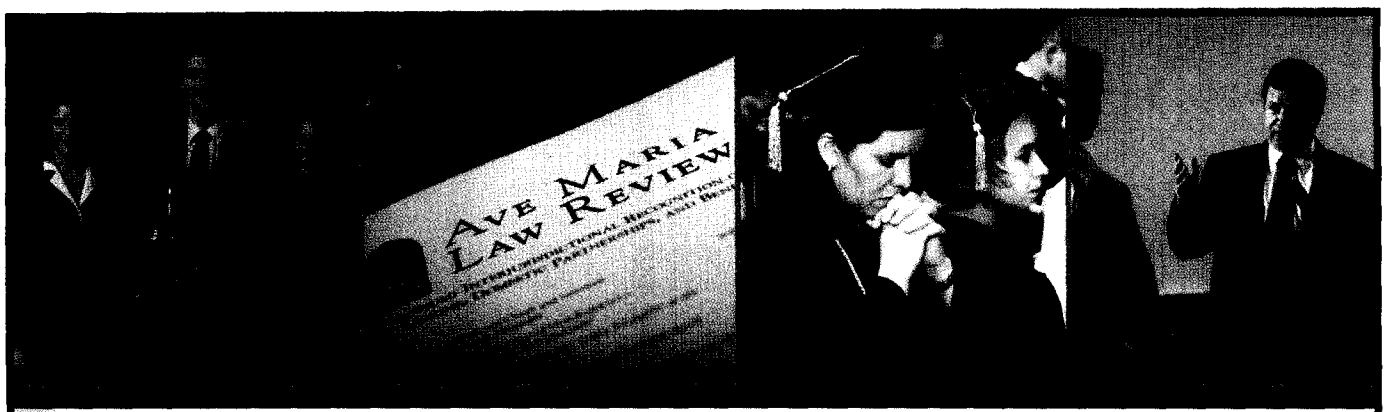
There is some dispute over whether and how much American students' test scores have improved over the last four years. Even on the most optimistic reading, however, there has been no dramatic improvement. The Fordham Foundation recently reviewed states' standards and found that they have not gotten much more rigorous. Dan Lips, who follows education for the Heritage Foundation, allows that the act has generated a lot of information about schools' performance (some of it conflicting and confusing, but some of it useful). But "it seems to me that little has been gained [in return for] the vast increase in federal power."

Nobody is all that happy with the law, but nobody wants to make any real reforms.

Finn proposes that the federal government offer the states a kind of deal. Instead of letting the states establish their own tests, it should create a common testing system—so that states would no longer be able to dumb down their tests. In return, the states would have more flexibility in choosing what methods to use to get their students to score well on the test. That proposal will alarm some conservatives, who believe that national testing is a stake in the heart of local control. But it seems no more offensive to federalism than the status quo.

The No Child Left Behind Act is due to be reauthorized in the next Congress. Nobody in Congress seems interested in President Bush's proposal to extend its testing regime to high schools. But nobody seems interested in making substantial changes soon, either. Most education staffers on the Hill expect action to be delayed until after the 2008 election. (In this scenario, Congress would renew the law as is for a year or two, to prevent it from expiring altogether.)

In short: Nobody is all that happy with the law, but nobody wants to make any real reforms, either. As a result, any significant improvements will have to wait until later—which makes the law much like American education as a whole. **NR**



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The Crime Of Their Dreams

Reading the Duke-lacrosse story

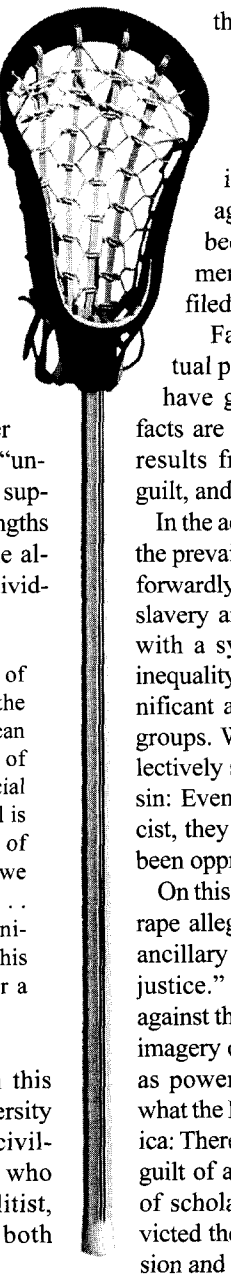
ANTHONY DICK

At Duke University, three white lacrosse players stand accused of raping a poor black woman. They have been indicted in court and portrayed in the national media as a trio of racist brutes. On their own campus and in publications nationwide, their story has been presented as a "teachable moment": a lesson in social exploitation, highlighting the depravity that lurks just beneath the polished surface of America's privileged elites.

In the meantime, however, the actual case against the three defendants has been unraveling. It now appears overwhelmingly likely that the "Duke lacrosse rapists" are innocent of the charges against them. If there is a lesson to be taken from their case, it will come from understanding why so many pundits, reporters, and academics have been so eager to accept, and even embrace, the accusations, without any sound reason. The spectacle has been Harper Lee in reverse: Driven by an obsession with identity politics and "oppression," wide swaths of society have rushed to condemn three young white men as rapists—largely because of their race and social status.

When news of the Duke rape allegations broke, it quickly morphed into a social narrative. An article in *USA Today* linked the case to "the national flash points of race, class, gender, violence, money and privilege." The *Boston Globe* described how students and residents in the area had at last begun worrying about "the silent fault lines of race, class, and gender" that might finally "tear them apart." A story in the *New York Times* quoted a female Duke student who wondered, "Is this going to be a team of rich white men who get away with assaulting a black woman?"

The same tone was adopted by Duke president Richard Brodhead. He wrote an open letter to the community, in which he instructed: "We must be concerned about issues of campus culture this episode has raised quite apart from the lacrosse team. . . . The episode has brought to glaring visibility underlying issues that have been of concern on this campus and in this town for some time. . . . They include concerns about the survival of the legacy of racism, the most hateful feature American history has produced." Brodhead then went on to explain how the rape allegations have called attention to "the deep structures of inequality in our society—inequalities of wealth, privilege, and opportunity (including educational opportunity), and the attitudes of superiority those inequalities breed."



Brodhead's letter is shaped to drive home the point that the scandal at Duke involves much more than just a few individuals. He is explicit that there are bigger matters at stake here—there are "underlying issues" to deal with. To support his thesis, he goes to great lengths to upgrade the significance of the alleged rape from the level of the individual to the social. He writes:

> Rape is . . . the crudest assertion of inequality, a way to show that the strong are superior to the weak and can rightfully use them as the objects of their pleasure. When reports of racial abuse are added to the mix, the evil is compounded, reviving memories of the systematic racial oppression we had hoped to have left behind us. . . . Whether they intend to or not, universities like Duke participate in this inequality and supply a home for a culture of privilege.

Brodhead has been joined on this point by former Princeton University president William Bowen and civil-rights lawyer Julius Chambers, who have decried Duke's "white, elitist, arrogant sub-culture that was both indulged and self-indulgent."

Through all of this commentary about the Duke rape case, however, there has always been the problem of the facts. DNA samples taken from the entire lacrosse team (including the three defendants) failed to link any of them to the alleged crime. A medical exam of the accuser on the night of the alleged attack showed no signs of violence consistent with her claims of being choked, kicked, beaten, and raped. One of the defendants provided a convincing alibi to the public: He produced time-stamped photographs, ATM and cellphone records, and testimony from a taxi driver, demonstrating that he could not have been assaulting the alleged victim during much of the time that she claimed. And, perhaps most damning of all, it was revealed that the alleged victim made an almost identical allegation ten years ago—when she said that she had been gang-raped by three other men. No formal charges were ever filed.

Far from dealing with these factual problems, many commentators have given the impression that the facts are beside the point. This attitude results from equal parts of ideology, guilt, and political expediency.

In the academy and much of the media, the prevailing view of society is straightforwardly radical: Owing to a legacy of slavery and racism, America is saddled with a system of persistent structural inequality, which continues to confer significant advantages on dominant social groups. White men, especially, are collectively stained with the blot of original sin: Even if they are not themselves racist, they benefit from a society that has been oppressing minorities for ages.

On this way of thinking, the facts of the rape allegations at Duke can be seen as ancillary to a larger question of "social justice." Whether the specific charges against the defendants are true or not, the imagery of the Duke rape scandal serves as powerful symbolic confirmation of what the Left already knows about America: There is little need to worry about the guilt of a few individuals when decades of scholarly inquiry have already convicted the whole society of rank oppression and exploitation.

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This moral condemnation leads directly to feelings of guilt. The stars of today's academy are mostly wealthy, white, and "privileged." They are the gatekeepers of exclusive institutions with billion-dollar endowments. Socially and materially, they are entrenched near the pinnacle of Western society—the very society that they declare to be an oppressive hierarchy of exploitation, propped up by economic and racial injustice. From the comfortable heights of such a position, they perceive the need to seek redemption—to make up for the unfair advantages they have enjoyed. They accomplish this through a type of penance, performed by adopting pieties that display an appropriately critical attitude toward the established order.

This method of penance makes white liberal guilt quite distinct from self-loathing. In fact, the entire posture is infused from top to bottom with self-righteousness: Its very purpose is to establish moral superiority. By acknowledging one's "privilege" and then striving to combat it through the conspicuous endorsement of radical political change, it becomes possible to dissociate oneself from the reactionary mainstream. Railing against the status quo thus facilitates the reconciliation of radical beliefs and bourgeois lifestyles.

Practical politics plays an important part in this process. If the Duke scandal can be diagnosed as a mere symptom of a more widespread social disease, then it can be construed to support certain remedial prescriptions for political reform: more diversity-training workshops, more redistribution of wealth, and more affirmative-action policies to combat our country's rampant inequality. Most advocates of these programs truly believe that they will be effective. (In fact, of course, they are often counterproductive.) But what's equally important is that support for these measures is motivated by the proper political disposition, whose essential characteristic is the willingness to stand up against the supposedly unjust establishment.

And so this is why so many people—particularly in the academy and in the media—have been so eager to believe in the guilt of the "Duke lacrosse rapists," despite the dearth of evidence. The story provides fodder for the modern liberal political agenda. It is an irresistible illustration of one of the Left's favorite narratives: a dramatic tale of how affluent white men exploit poor people, women, and minorities. Lacrosse is the perfect game—the after-school activity of the prep-school set. Rape is the perfect metaphor—"the crudest assertion of inequality." The South is the perfect region—the *locus classicus* of American oppression. And Duke is the perfect setting—the microcosmic home of a "white, elitist, arrogant sub-culture that was both indulged and self-indulgent." **NR**

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All Aboard The Charters?

The state of a movement

CHESTER E. FINN JR.

CHARTER schools have taught us much. Since Minnesota enacted America's first charter law in 1991, 39 states have followed suit and eager school reformers have created some 4,000 of these independent public schools. About 3,600 are still operating today, enrolling approximately a million kids, 2 percent of all U.S. elementary and secondary pupils. More than a dozen cities—including Detroit, Cleveland, and Milwaukee—now have charter sectors that serve at least one in every six children. These numbers rise annually—and would balloon if the market were able to operate freely, unconstrained by legislative compromises, funding and facilities shortfalls, and local pushback from the school establishment and its political allies.

The first lesson is that the demand for alternative school options for children is intense—and plenty of people and organizations are eager to meet it wherever policy and politics allow them to. In Dayton, Ohio, today, more than a quarter of all kids attend charter schools; in New Orleans (a special case, to be sure) it's seven out of ten children. Many schools across the nation have waiting lists.

Lesson Two: Though critics warned that charters would "cream" the best-parented, ablest, and most fortunate youngsters, actual enrollments are dominated by poor and minority kids, ex-dropouts and others with huge education deficits unmet by regular school systems—most often the urban school systems whose residents most urgently need decent alternatives.

Mr. Finn is president of the Thomas B. Fordham Foundation and a senior fellow at Stanford's Hoover Institution.

Lesson Three: Whereas boosters and advocates, myself included, once supposed that charter schools would almost always turn out to be good schools, reality shows that some are fantastic, some are abysmal, and many are hard to distinguish from the district schools to which they're meant to be alternatives. Merely hanging a "charter" sign over a schoolhouse door frees it to be different but doesn't assure quality—or even differentness. Those running the school need to know what they're doing—and be good at doing it. Too many well-meaning (or, sometimes, greedy) folks set out to create charter schools that they aren't competent to run.

Lesson Four: Until recently, nobody in charterdom paid enough attention to the other side of a school's charter, namely, its "sponsor." We now realize that a charter is best viewed as a contract between two parties: the school's operator, typically a local non-profit organization (which may ask a national firm such as Edison Schools to manage its school), and the school's sponsor, typically a public body that licenses the school to operate, usually for a limited term (often five years) renewable on the basis of satisfactory results. The sponsor is responsible for determining whether the would-be operator has a plausible school plan and the wherewithal to put it into operation; then for monitoring the school's actual performance and blowing the whistle if it's inadequate. Too few sponsors have done this conscientiously—hence too few bad charters have closed, even as many potentially strong schools haven't been allowed to open.

Merely hanging a 'charter' sign over a schoolhouse door frees it to be different but doesn't assure quality.

Lesson Five: Although school-choice enthusiasts, myself included, insist that parents can be counted on to make wise education choices for their children, the charter-school experience shows that many families lack decent comparative information about their school options *and* that many are content with such school attributes as safety, convenience, a welcoming atmosphere, and "caring" teachers. In other words, the school's academic effectiveness doesn't rank high. Which means many parents enroll their kids in academically mediocre schools, cheerfully keep them there—and oppose all efforts by sponsors and state or local officials to put such schools on probation, close them down, or deny them renewed charters.

These five lessons help to explain the wildly inconsistent and often disappointing articles and studies that have emerged recently with regard to the academic performance of charter schools. These institutions, in fact, differ so profoundly from one another that placing the label "charter" on a group of schools connotes no more than the word "public," "private," or "elementary." How can analysts combine an academically rigorous "Core Knowledge" primary school; a long-day, long-year "KIPP Academy" for middle schoolers; and a four-hours-per-day remedial-instruction program for semi-literate 17-year-old dropouts? They're all charter schools, yes, but that's all they have in common.

Thus when the *New York Times* declares, as it did in August, that a new federal "study of test scores finds charter schools lagging," readers are misled. Even when the analysis is limited to fourth- and eighth-graders, thus omitting the "dropout recovery" quasi–high schools, it lumps together schools whose only shared feature is the name "charter." Above all, it tells us absolutely nothing about these schools' academic effectiveness because the data used by such studies are one-time, snapshot test results that may show how youngsters currently perform on the National Assessment of Educational Progress (NAEP) but nothing about how far they have come since entering these schools.

Let me illustrate. The federal study found that the average fourth-grader in district-run public schools had a 2003 NAEP "scale score" in reading of 217 while the average charter-school fourth-grader scored 212. Obviously the district pupil is scoring five points higher than

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the charter student; snapshots are fine at showing this. But how were those two kids doing when they *entered* their present schools? Suppose the district pupil was at 211 at the outset of the year while the charter student was at 204. You could then fairly say that the district school added six points to its student's reading prowess during fourth grade while the charter school added eight—even though the charter pupil's score remained lower at year end.

A similar argument is being waged with regard to the federal government's No Child Left Behind (NCLB) act, due for renewal by the next Congress and already the subject of analysis and advice from innumerable experts and state/local officials—all of whom want to see it amended in various ways. Although NCLB's full-fledged reauthorization may await the 2008 presidential election (Congress can easily extend "current law" a year at a time), its critics are nearly unanimous in urging that it shift from gauging schools solely in relation to fixed "proficiency" standards and instead allow states to employ a "growth model" whereby school performance is judged by how much students learn from one year to the next.

My view is that mega-accountability systems such as NCLB should evaluate schools *both* ways. Determining how much "value" they add to their pupils is crucial—but so is knowing how well prepared their students are to meet the challenges posed by the real world of colleges and employers, typically more interested in a person's actual skills and knowledge than in how much progress he may have made.

For charter schools, it's doubly important to deploy measures of effectiveness as well as absolute performance. For these are all schools of choice that parents move their daughters and sons into instead of keeping them in district-operated schools. These youngsters have been ill-served where they were and deserve a second chance in a better school. If their parents are to make discerning choices, however, they need clear information about which schools are *effective* at imparting skills and knowledge to their students, not just which of them enroll pupils who possess such skills and knowledge.

Such comparisons require some sort of before-and-after testing. You can't get that from NAEP, but such data now exist at the state level thanks to NCLB's mandate that students be tested annually in reading and math (in grades three to eight). States then have an obligation to analyze these data and produce report cards on charter and district schools alike—in parent-friendly formats. Where this is done with care, we often find that charter schools look good. For example, a recent analysis for the Massachusetts Department of Education, tracking student growth over four years in charter schools versus their surrounding districts, found the charters superior in math and equal in English. It's worth noting that Massachusetts is famous in charterdom for its scrupulous school sponsorship, punctilious about which may open, and then watchful regarding their performance. It's also worth noting, however, that union-inspired state politics have imposed a tight cap on how many charter schools may operate and how many kids may attend them—meaning that Bay State residents have far greater demand for charter slots than school operators can meet.

For charter schools, it's doubly important to deploy measures of effectiveness as well as absolute performance.

Does the success of Massachusetts imply that policymakers must trade charter quantity for school quality? The nation's capital makes the best case for answering no, with its 25 percent charter-school market share and some of the best charter schools in the nation (as well as some that you wouldn't want to send your kid to). Rather than look to Washington for its education-policy debates, perhaps the media should look at the "other" Washington, the one where people live, and see the charter schools that are creating education hope for families and neighborhoods that otherwise lack it. They will see some lessons that are highly relevant for ill-served students across the land. **NR**

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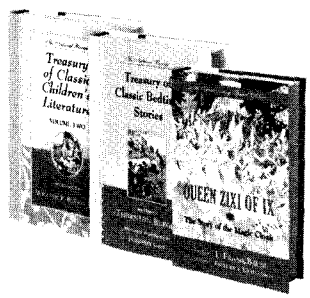

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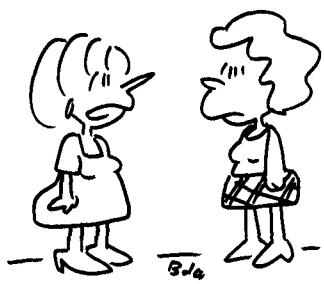
HELP!!!!

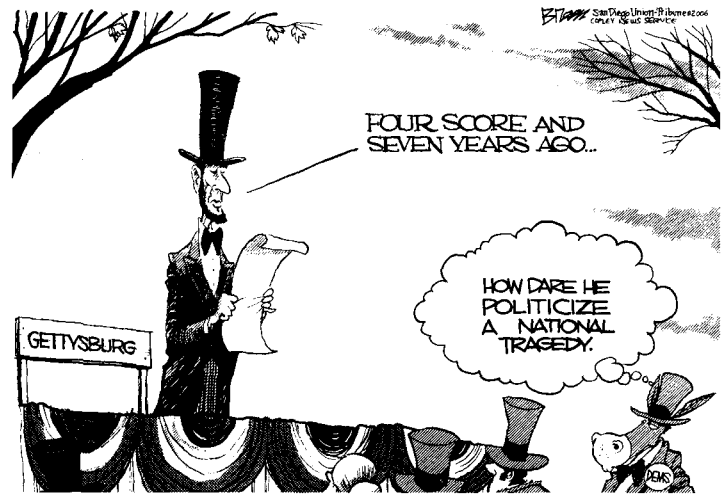
A Plan? Anyone?

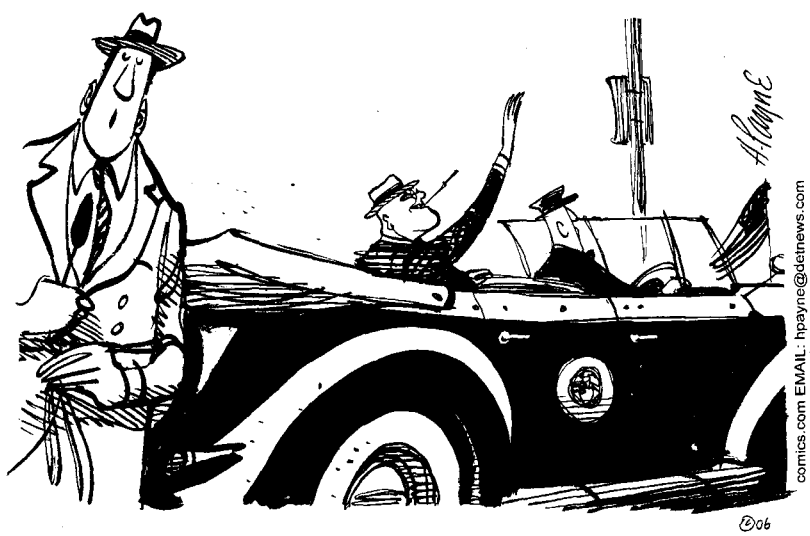
Russ Feingold doesn't have one,
Nor does John Kerry. Hill,
Wary as ducks in season,
Flaunts neither claw nor bill.
Murtha regroups in Kuwait.
Dean hides behind a scream.
Jay Rockefeller's clueless.
Nancy adjusts a seam.

—W. H. von Dreele



"Mr. Right turned out to be Mr. Neocon!"





"AS AMERICAN BODIES PILE UP IN EUROPE, PRESIDENT ROOSEVELT TODAY ADMITTED THAT HITLER HAD NOTHING TO DO WITH THE PEARL HARBOR ATTACKS. BACK TO YOU, KATIE...."

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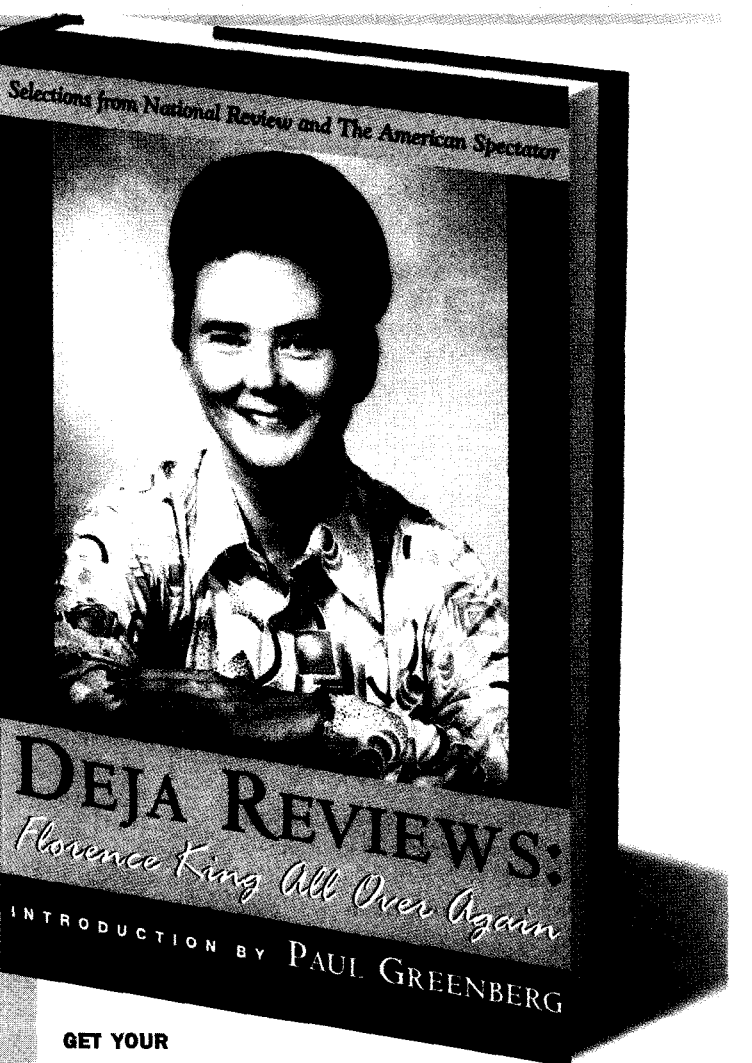
> Back in the Cold War, whenever I had to review an unreadable book, I always comforted myself with the thought, 'Maybe the Russians will drop the Bomb and I won't have to finish reading this.' Those were the days. This time, stuck with *A Pilgrim's Way: The Personal Story of the Episcopal Bishop Charged with Heresy for Ordaining a Gay Man Who Was in a Committed Relationship*, by the Rt. Rev. Walter C. Righter, author of the longest subtitle in publishing history, all I could hope for was an asteroid.

Boy, can she *write!* And as for asteroids, you'll wish you'd been struck by one if you don't take advantage of this special pre-publication offer. Order your copies today of *Deja Reviews: Florence King All Over Again* for only $24.95 each, direct from *NR* (they won't be in bookstores till 2007!). They'll be shipped to you—free of charge!—in early October. And for a limited time we're offering autographed copies of *Deja Reviews* for only $34.95. To get your Florence-signed copies (they'll make great gifts for curmudgeon fans!), check the appropriate box on the order coupon and include on a separate sheet how and to whom you want your books inscribed.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the long view

ROB LONG

TRANSCRIPT

COURT-ORDERED MEDIATION
IN THE MATTER OF:

His Satanic Majesty, *plaintiff*
v.
Sen. Hillary Rodham Clinton,
defendant

(Present: His Satanic Majesty (Satan), plaintiff; Mr. Bertram Fields, plaintiff's attorney; Sen. Hillary Rodham Clinton, defendant; Mr. Gregory Craig, defendant's attorney)

. . . page 7 . . .

SATAN (CONT.): ". . . at which point I was like, hey, I've done business with these people before and, frankly, gotten burned—"

MR. CRAIG: "Object! C'mon, Bert, let's not get off topic, here. The past is past."

MR. FIELDS: "I'll rephrase. Your Majesty—"

SATAN: "Call me Satan. Or Mr. B., whatever."

MR. FIELDS: "Okay, Satan, did you receive a telephone call from the defendant?"

SATAN: "Yes, I most certainly did."

MR. FIELDS: "Can I ask you to identify this piece of paper?"

SATAN: "Yes. It's a pink phone-message slip that my secretary filled out."

MR. FIELDS: "May I ask you to read the slip?"

SATAN: "It says, 'Senator Clinton called. Please return at earliest convenience,' and then there's my secretary's initial."

MR. FIELDS: "And did you return this call?"

SATAN: "As I said, I was nervous, you know? I mean, I go back with these people, I know what they're capable of."

MR. CRAIG: "Non-responsive! C'mon, Bert, we've all got dinner reservations. Can we move it along?"

MR. FIELDS: "Counsel, I am trying to establish a frame of mind here."

SATAN: "Look, when people call me—when *they* call *me*—I'm usually like, hey, what's up here? I have professional pride, okay? I don't wiggle out of deals, okay?"

MR. CRAIG: "Bert!"

MR. FIELDS: "Satan, you did return the call, did you not?"

SATAN: "I did."

MR. FIELDS: "And what transpired during that call?"

SATAN: "The senator wanted to talk about the 2006 midterm elections. She was worried that the way the poll numbers were going, it was possible that the Democrats might regain control of the House and the Senate, and she wanted to know what I thought, in my professional opinion, might be done about that."

MR. FIELDS: "Did she offer you some kind of deal to handle the situation?"

SATAN: "At first, no. No. Look, we're all in basically the same business. I don't hide who I am or what I do, okay? I own it. It's taken me a long time to get to this place in my head where I'm not ashamed, you know, to be who I am—a long time and a helluva lot of therapy, let me tell you—so when people call me, or when I approach them, which is the usual way, actually, I'm totally up front about the, you know, the deal. I mean, yes, I wear a suit. Yes, I wear a tie. But, you know, six grand worth of Kiton suit can't hide the tail and the horns and the cloven hooves, okay? This is Washington, D.C., okay? The senator knew what she was getting into."

MR. FIELDS: "You're sure of that?"

SATAN: "As I said, I've done business with these people *before*, okay?"

MR. CRAIG: "Object!"

SATAN: "You want to see the receipts? For lunches? Call records?"

MR. CRAIG: "Object!"

SATAN: "Are you calling me a liar?"

MR. CRAIG: "Bert, would you please control your client?"

SATAN: "This is un-freakin'-believable."

MR. FIELDS: "Satan, please. We're hurting ourselves, here."

SATAN: "I'm a businessman, okay? I run a business! Christ!"

MR. FIELDS: "Satan, if we could get back to that phone call. As you said, Senator Clinton was worried that the Democrats would regain control of Congress?"

SATAN: "The Senate, really. I mean, who cares about the House? I wouldn't bother with it, myself. Just sort of no bang for the buck, from my perspective. No, she was worried that the Senate would turn Dem, and she'd be among the pack of Dem senators who all suddenly wanted to run for president. She was worried that the anti-war crowd would get all emboldened and it would just be this *megillah* in 2008."

MR. FIELDS: "What did you say to that?"

SATAN: "I said, 'Let's talk.' I said, 'Let's you and me go to the Palm, or Morton's, and thrash this thing out.' I was very nice. It felt good to talk to her again. You know, even now, I like her. I have a helluva lot of respect for her. It upsets me that we can't be friends, you know, that we can't just stick to an agreement and each do our thing and be friends."

MR. FIELDS: "Did you in fact have that lunch?"

SATAN: "We did. And I was very upfront with her. I said, 'Hey, I've got some conflicts here I need you to know about. I've done some business with some of the anti-war crowd—I mentioned a pretty big lefty website I helped put together—"

MR. FIELDS: "Is this the Daily Kos?"

SATAN: "I'm not going to answer that. And I told her the names of the Republicans I've done business with."

MR. FIELDS: "So you work with both the far Right, the far Left, the anti-war movement, the pro-war movement?"

SATAN: "I have a complicated business. And you forgot the whole yoga thing. That's me, too."

MR. FIELDS: "So to return to the lunch. The senator wanted you to make sure that the Republicans retained control?"

SATAN: "What she wanted was to be president in 2008, okay? I'm a big-picture guy."

MR. FIELDS: "And so you agreed?"

SATAN: "We shook on it."

MR. FIELDS: "And what transpired after that?"

SATAN: "Long story."

MR. FIELDS: "Did you, in fact, ensure that the Republicans retained control of both houses of Congress?"

MR. CRAIG: "Counselor, I'm wondering if we could break now? It's six thirty."

MR. FIELDS: "Of course. We'll pick this up tomorrow."

END TRANSCRIPT

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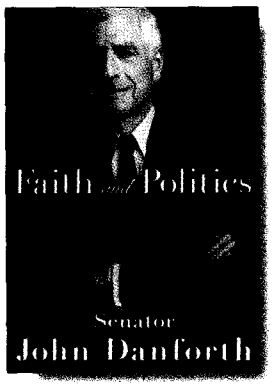
A Book Divided



Faith and Politics: How the "Moral Values" Debate Divides America and How to Move Forward Together, by Sen. John Danforth (Viking, 238 pp., $24.95)

RAMESH PONNURU

As a former Republican senator and an Episcopal minister, John Danforth might seem an ideal man to write an instructive book about the topic mentioned in his title. He has, in truth, written two books within the same pages. The first recommends humility and charity to political actors, especially conservative Christians. The second attacks the substance of conservative Christians' political positions. The first book is mostly, though not wholly, persuasive. The second book ignores the sound admonitions of the first.

Danforth's basic beef with Christian conservatives is that they are overconfident that they know God's will, and are therefore "divisive"—a word that, with its cognates, comes just behind "the" and "a" in the frequency of its usage in the book, and just before its opposite, "reconciling." The Christian conservatives have, in his view, reduced their religion to a political program.

He believes that the state should not impose purely religious obligations in our pluralistic country. At the same time, he does not claim that religion should be kept entirely separate from politics, because he recognizes that politics cannot be entirely separated from morality, nor morality from religion. He believes, rather, that we should "acknowledge that our political programs, however prayerfully inspired, are no more than our best efforts to be faithful to God, and that we should pursue them with humility."

I take it that Danforth is saying something akin to the following: A Christian may believe that in advocating a particular public policy, he is obeying, as best he can determine how to obey, Jesus's command that he love his neighbor. But he should see that another Christian could feel compelled by his understanding of the same command to oppose that policy. Neither Christian should feel that God is on his side. And the point, with some changes, can be widened to include political disagreements between Christians and non-Christians.

This conception of religion and politics seems to me correct, indeed nearly unexceptionable. It opens up a lot of space for competing political philosophies to make their case for advancing the common good. What Danforth cannot bring himself to admit is that some of that space can be occupied by Christian conservatives. His conception of the proper relationship between religion and politics, that is, does not furnish grounds for opposition to the trademark positions of the Christian Right on abortion, same-sex marriage, and the like—as long as those positions are expressed in a loving way.

Those positions would run afoul of Danforth's church-state views only if they were necessarily either hateful, presumptuous about God's will, based purely on sectarian theology, or divisive. That last charge, divisiveness, is the most plausible one. But a blanket prohibition on divisiveness would rule out democratic politics altogether. Sometimes Danforth appears to want to go that far, as when he says that "a united America . . . is a responsibility of people who follow Jesus." That is a presumptuous and exclusionary closing line, which a charitable reader should chalk up to careless rhetoric. It is gratuitous divisiveness to which Danforth objects, or ought to object. And there must be space for legitimate debate over what counts as gratuitous.

Are Christian conservatives guilty of divisiveness for campaigning to get *Roe* v. *Wade* overturned? Or are they responding legitimately to liberals' divisive campaign to get the courts to impose an extreme version of the abortion policy they favor? Danforth tends to divide the American political world into "Christian conservatives" and "moderates" (liberals barely appear in his book), with the former portrayed as divisive and the latter as reconcilers. But that set of categories is itself divisive, as categories tend to be.

Danforth employs an idiosyncratic definition of "wedge issues," which makes them a tactic associated exclusively with Christian conservatives. It is in keeping with his oddly ahistorical perspective. "In recent years," he writes, "the wisdom of our founding fathers has been challenged as the Republican Party has identified itself with the political agenda of Christian conservatives." This is a conventional narrative, but it makes it appear that the Christian Right created itself *ex nihilo*: as though it had not arisen in response to political and cultural trends it considered aggressive. Many Christian conservatives would say that they are trying to reclaim some of the Founders' wisdom that we have cast aside. Maybe they are wrong, but Danforth does not even consider the possibility. Similarly, he never stops to ask why the Republican party includes fewer liberals than it used to, or why it has simultaneously grown in size. Looking too closely at those questions might upset the conventional narrative.

Danforth's own policy views put him in a quandary. He was an anti-abortion senator, and he remains opposed to same-sex marriage. But he favors research that kills human embryos, opposes a constitutional amendment to protect traditional marriage, and disdains public displays of religion. He wants to cast the people to his right as theocratic. But why shouldn't people to his left say the same thing about him? What counts as a violation of American principles of religious tolerance cannot be simply those policies which Danforth personally dislikes, can it?

Danforth ties himself in knots trying to

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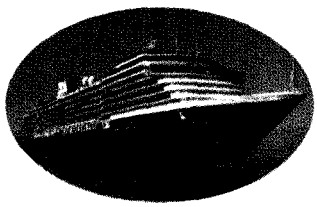

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MON/Nov. 13	Cabo San Lucas (Mexico)	8:00 AM	6:00 PM	late-night smoker
TUES/Nov. 14	Mazatlan	8:00 AM	6:00 PM	
WED/Nov. 15	Puerto Vallarta	8:00 AM	11:00 PM	evening cocktail reception
THURS/Nov. 16	AT SEA			morning/afternoon seminars late-night smoker
FRI/Nov. 17	AT SEA			morning/afternoon seminars evening cocktail reception
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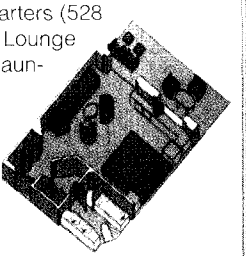

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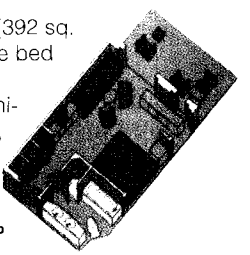

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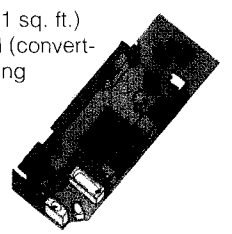
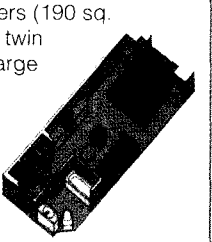
SINGLE OCCUPANCY RATE: $ 5,999

DELUXE OUTSIDE Spacious cabin (241 sq. ft.) features private verandah, queen-size bed (convertible to 2 twin beds), bath with shower, sitting area, mini-bar, tv, refrigerator, and floor-to-ceiling windows.



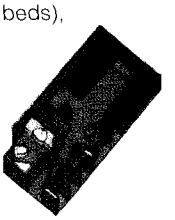
Category VA
DOUBLE OCCUPANCY RATE: $ 2,899 P/P
SINGLE OCCUPANCY RATE: $ 4,499

LARGE OCEAN VIEW Comfortable quarters (190 sq. ft.) features queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, tv, large ocean-view windows.



Category D
DOUBLE OCCUPANCY RATE: $ 2,399 P/P
SINGLE OCCUPANCY RATE: $ 3,299

LARGE INSIDE Cozy but ample cabin quarters (185 sq. ft.) features queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, tv.



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DOUBLE OCCUPANCY RATE: $ 1,799 P/P
SINGLE OCCUPANCY RATE: $ 2,499

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devise an answer to this question. He suggests that it is all right to object to *Roe*, since there are secular constitutional reasons for objecting to it, but not to legislate on the "religious" question of when life begins. (That his position as an elected official went well beyond opposition to *Roe* goes unremarked.) Or: It is okay to vote against abortion, for school prayer, and so on, but it "is another matter to seek out these issues, to push them relentlessly, to introduce legislation, to speak often and in impassioned tones." Is he saying that you can cast conservative votes as long as they're insincere?

His discussion of stem cells—he is a major proponent of cloning human embryos for research purposes in his home state of Missouri—is the most embarrassing section of the book. He gets the science wrong. ("Blastocysts have not been fertilized by sperm, and they will not be implanted in a uterus.") He accuses pro-lifers of being "misleading" in using the term "cloning" to describe his favored research. He himself uses the cloning lobby's preferred terminology, circa 2006; it wasn't so coy about the C-word just a few years ago. He repeatedly misstates the pro-life case against the research.

His attempts to distinguish other conservative positions he dislikes are not much better. He misstates the case for a constitutional amendment on marriage, ignoring the danger that federal courts will impose same-sex marriage and downplaying the danger that state courts will do it. He condemns the amendment as "gay bashing," but offers no defense at all of his own opposition to same-sex marriage. Which would make Danforth, what, an ineffectual gay basher?

His descriptions of the Terri Schiavo case are tendentious at every turn, failing to engage with or acknowledge the existence of any of the pro-lifers' arguments.

Danforth expresses nostalgia for a past in which Republicans were united in wanting a smaller government and relatively unconcerned about social issues. This past never existed: Danforth himself voted for tax increases and regulations far more than today's Republicans would. He congratulates himself for his role in enacting the 1991 Civil Rights Act, which put pressure on private employers to adopt racial quotas. He now says that he favors extending anti-discrimination protections to homosexuals. I share the moral view underlying that legislation: that it is generally wrong to fire, or refuse to hire, someone because he is homosexual. But hasn't Danforth spent most of 240 pages arguing against the governmental imposition of moral views with a religious dimension?

Danforth comes across in the book as a likable, earnest man with an admirably conservative temperament. His book would have been better if he had spent more time reconciling his own thoughts. **NR**

■ BOOKS IN BRIEF ■

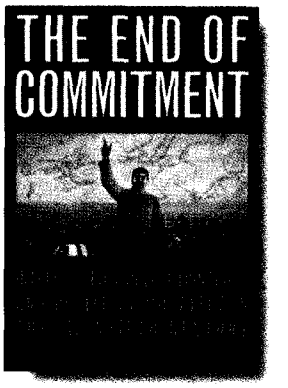
George Washington's Sacred Fire, by Peter A. Lillback with Jerry Newcombe (Providence Forum, 1,208 pp., $39.95)

In academic circles it has long been taken for granted that George Washington was a Deist—one who believes only in an impersonal and remote God—and not a Christian. In this massive book, Peter Lillback of Westminster Theological Seminary presents the contrary evidence: Washington often mentioned Christ and the Gospel, and when he spoke of Christ as "the Divine Author of our blessed religion" he could hardly have been acting as a Deist.

Lillback has compiled a work impressive for its detailed references to the original documents. There are, for example, over a hundred different prayers composed and written in Washington's own hand. This is a Founding Father who encouraged missionaries to "Christianize" foreign lands and who called on the nation's leaders to follow Christ's example. When in his First Inaugural Washington spoke of the "sacred fire of liberty," he was clearly referring to a flame that was lit from above.

—CECIL KUHNE

Crisis of Faith



The End of Commitment: Intellectuals, Revolutionaries, and Political Morality, by Paul Hollander (Ivan R. Dee, 391 pp., $28.95)

S. T. KARNICK

In both practical and intellectual terms, Communism has been entirely discredited by the events of the past two decades. Nonetheless, a large number of people—and a significant proportion of Western intellectuals—still harbor a good deal of fondness for socialist ideals, and their politics demonstrate it vividly.

In *The End of Commitment*, the distinguished sociologist Paul Hollander, author of *Political Pilgrims*, investigates what causes people to adopt and steadfastly adhere to ideas that lead to mass murder and widespread suffering. Observing that many intellectuals placidly accepted and even enthusiastically approved of actions done for the ideal of Communism that would have horrified them if committed for any other reason, Hollander explores the amazing ability of true believers in political religions to persist in their faith despite mountains of contrary evidence.

The book consists almost entirely of brief political biographies—of some who lived under Communism and came to oppose at least some variety of it; of others

Mr. Karnick is an associate fellow of the Indianapolis-based Sagamore Institute for Policy Research. He writes on popular culture at www.stkarnick.com.

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who lived in free nations and approved of Communism, but ultimately saw its horrors as unjustifiable even if they still saw the ideals as laudable; and of still others who have yet to turn their backs on the socialist vision.

Exploring "the connections between idealism and fanaticism which contributed so much to the great historical outrages of the 20th century and continue to do so today," Hollander finds that the key factor is an individual's moral threshold, the point at which "actions, forms of behavior, or policies would *invariably* bring about unconditional moral indignation or revulsion, regardless of who commits these acts and under what circumstances."

Hollander astutely observes, in a discussion of Soviet dissident and literary scholar Lev Kopelev, that his and others' faith in socialism was really a substitute religion, a matter of "profoundly and genuinely religious attitudes and beliefs." Kopelev's struggles, he notes, "indicate that intellectuals—no less than ordinary people and possibly more so—long for sustaining beliefs." Hollander writes vividly of Soviet intellectuals who endured frequent collisions with the authorities and even more persistent shock and revulsion at the brutality the Communist leadership engaged in and required their underlings to carry out.

During World War II in eastern Germany, for example, "unlike most of his fellow countrymen in the army, [Kopelev] was revolted by the raping of women, the casual killing of civilians, the looting and cheerful destruction of properties." As a result of his attempts to prevent these atrocities, he was accused of undermining morale and eventually arrested and given a harsh sentence.

Languishing in prison, Kopelev nonetheless tried to convince his fellow inmates that the problem with the Soviet Union was Stalin, not Communism. Through all this and more, Hollander observes, Kopelev desperately attempted "to cling to ideas and ideals that he himself realized were deeply flawed and crumbling." For disillusioned individuals living under Communist regimes, there were only two real alternatives: staying and serving the system they had come to regard as unacceptably corrupt, or leaving for the West. To stay and try to fight the system would be certain death.

The same was true of Vietnam, after the North conquered the South. Hollander notes that the "critiques of the Vietnamese system and social-political conditions" by former Vietnamese official Bui Tin are "remarkably and unexpectedly similar . . . to those expressed both by disenchanted officials and ordinary citizens in the Soviet Union and East European Communist states."

Particularly vivid is Tin's description of "victorious" postwar Hanoi, which he says brought on "continuous mental torture": "The city teems with gamblers, thieves, pickpockets, prostitutes, and opium smokers. So what was all the sacrifice of the Revolution about? Was it so that our people would suffer more hardship after our victory than during the war?" As Hollander notes, these social pathologies were supposed to be the result of bourgeois decadence, not Communism.

In other Communist nations such as China, Cuba, Nicaragua, and Ethiopia, conditions were equally far from the promised ideal. In Ethiopia under Mengistu, as defector Davit Giorgis wrote, "the entire population live[d] in permanent poverty, fear, and terror." Hollander quotes Giorgis as noting that Mengistu ushered in a "Red Terror" of "arbitrary executions, lynchings, street massacres," along with widespread famine caused by forced agricultural collectivization (made worse by droughts).

Hollander wryly notes: "Why an idealistic supporter of the system such as Giorgis continued to serve it as long as he did may be more difficult to explain than his eventual disillusionment." Ultimately, Hollander notes, it was not until Giorgis's own life was jeopardized—when Mengistu himself falsely accused him of treason—that he made the decision to leave.

The danger under which Communist officials and intellectuals lived was in great contrast to the conditions enjoyed by their Western supporters. At a safe remove, Western leftists could easily remain ignorant or dismissive of any imperfections in the reality of life under Communism. And as Hollander notes, "the existence of adversarial subcultures in the West since the 1960s has made it easier to cling to beliefs and loyalties that have been discredited or undermined by historical events and experiences elsewhere."

Hollander provides copious examples of the appeal of Communism in the jour-

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HONORING

MARY KENNY

A passionate advocate for the unborn and author of, among many works, *Abortion: The Whole Story* and *Goodbye to Catholic Ireland*, Ms. Kenny has been called "Britain's shrewdest and most experienced journalist," by historian Paul Johnson.

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neys of former Western sympathizers such as David Horowitz, Ronald Radosh, Eugene Genovese, Christopher Hitchens, Doris Lessing, and several lesser-known individuals. Hollander notes that Lessing eventually realized that the attraction of Communism in the West is caused "not so much because of moral indignation aroused by specific social injustices but rather due to disappointment with a wide range of unmet and unrealistic personal expectations."

The theme of alienation likewise occurs repeatedly in Hollander's descriptions of numerous non-famous American leftists who answered his call for self-revelations. Hollander writes, "Virtually every respondent harbored deep disaffection from American society and an acute awareness of its shortcomings and injustices, its unrealized ideals. . . . A wounded idealism seeking an outlet in leftist social or political activism appeared to be the most widely shared trait, indeed the defining characteristic of these respondents."

This alienation from American life and values is most evident in Hollander's account of linguist and political gadfly Noam Chomsky and his virulent, anti-American attitudes. Individuals such as Chomsky are so thoroughly alienated from their society that they find fault with everything about it and are quick to excuse any attack on it. Chomsky claimed, for example, that the 9/11 attacks pale next to the West's "deep-seated culture of terrorism." This sort of thinking has made him a hero to many American leftists.

Such a worldview leads easily to the demonization of one's enemies. Hollander observes that, like Islamic radicals, some Western leftists show a "ready acceptance of inflicting great suffering on behalf of glorious ends, in the untroubled subordination of ends and means."

Hollander ends his book on a note of hope, observing that some individuals do indeed face the evidence and change their minds. Unfortunately, these individuals appear to be rather less common than the true believers, in Hollander's revealing account. The human capacity to pursue illusions is enormous, and as a result, the work of thwarting the politics of personal alienation is never done. **NR**

ON THE EQUATOR

How rarely Your mercy visits me,
My King, my Father;
And so, most of my days, I am Your wandering son
Who has cast his lot like a prophet
In the desert of his days.

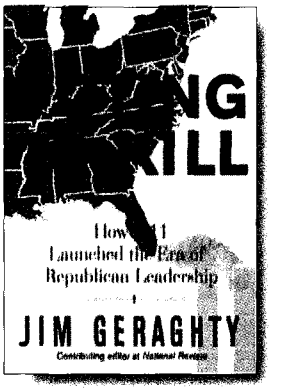
And Your deliverance that comes to me then,
My Father, my King,
Is like a well that the wanderer came on at last,
When he had almost prayed for death from thirst
And the heat that shrivels the body.

And at times it is so sweet,
It is like a miraculous dream that You give
To the blind man in his agony, at night.
He dreams that his eyes are open and that he sees
The face of his wife and the dark gold of her hair.

But at times You make sport of me,
My Father, my King,
And I draw back, and grow small with loneliness,
Like the blind man awakened from his dream.
I gaze at my coming days, and I descend
Into the black abyss of my life, as the blind man into his.

—ROBERT MEZEY

Still a Majority?



Voting to Kill: How 9/11 Launched the Era of Republican Leadership,
by Jim Geraghty
(Touchstone, 384 pp., $15.95)

SCOTT W. JOHNSON

JIM GERAGHTY's awkwardly titled new book takes a timely look back at the elections of 2002 and 2004. As the subtitle points out, these elections inaugurated "an era of Republican leadership." In the 2000 presidential election, the Republican nominee lost the popular vote, even as Republicans were losing four seats in the Senate and two in the House. But in the 2002 midterm election, Republicans defied historically grounded expectations of further losses and instead regained two Senate seats while holding their own in the House. Standing for reelection in 2004, George W. Bush not only won a narrow majority of the popular vote, but also increased his vote total by *more than 11,000,000*; Republicans picked up four seats in the Senate and two in the House. The era of Republican consolidation, if not dominance, seemed to have arrived.

In this book Geraghty sets out to explain why. He finds the answer in Republican leadership on the issue of

Mr. Johnson is a Minneapolis attorney and a contributor to the weblog Power Line (powerlineblog.com).

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national security. He argues that 9/11 altered the psyche of the average American voter, attuning him to the mortal peril posed by the enemy who showed his face to such devastating effect on that day. "While the intensity of the post-9/11 emotions will fade to a certain extent," Geraghty writes, "something in the American consciousness changed permanently that day." In making his case, Geraghty tells the story of the elections of 2002 and 2004 mostly from the outside—thematically, drawing on the contemporaneous words of participants, pollsters, consultants, observers, commentators, journalists, and bloggers.

Perhaps most striking is Geraghty's account of how quickly Democrats reverted to form following 9/11—to a style Rich Lowry had defined in the context of the Clinton administration as "McGovernism without the conscience." Geraghty notes the initial, twisted post-9/11 reactions of such far-Left figures as Noam Chomsky and Michael Moore. Geraghty points out, for example, that within 24 hours of the 9/11 attack, Michael Moore was imputing guilt to the United States for "taxpayer-funded terrorism (in Chile, in Vietnam, in Gaza, in Salvador)" and suggesting that some kind of cosmic payback was at work. Geraghty mordantly writes that "neither additional years nor the passage of weeks seemed to temper the reaction of those farthest to the left."

On the contrary, Geraghty shows that the intemperance of the far Left worked itself into the heart of the Democratic establishment as Senate minority leader Tom Daschle and Democratic party chairman Terry McAuliffe attended the 2004 Washington, D.C., premiere of Moore's *Fahrenheit 9/11*. (Ironically, Daschle was himself a subject of Moore's scorn in the film; by Moore's lights, Daschle had demonstrated inadequate opposition to the war in Iraq.) Geraghty devotes a chapter to the proposition that Moore became a symbolic face of the Democratic party in 2004 and concludes: "The party that has the more appealing faces wins the elections." Beauty is famously in the eye of the beholder, but Geraghty is on solid ground in intimating that there aren't many faces less appealing than Moore's.

Geraghty places the ascendance of national security as an electoral issue in the context of events since 1972, and especially of the rise of McGovernism as the practical foreign-policy doctrine of the Democratic party. The wider context explains the Democrats' post-9/11 electoral weakness—but one can also observe in this context a striking deterioration of Republican electoral strength at the presidential level. Contrast President Bush's 2004 performance with that of his recent Republican predecessors who ran for a second term. (Leave aside the case of George H. W. Bush: It was surely highly specific circumstances in his first term—the fall of the USSR and the end of the Cold War—that enabled the election of Bill Clinton in 1992.)

As an unloved wartime president in 1972, Nixon defeated George McGovern with more than 60 percent of the popular vote and a crushing Electoral College margin of 503 votes. Seeking a second term against a solid Democratic opponent in the person of Walter Mondale in 1984, Reagan likewise won 59 percent of the popular vote and a crushing Electoral College margin of 512 votes. Facing an incredibly weak Democratic nominee in 2004—an unlikable liberal from the only state McGovern carried in 1972—George W. Bush won 51 percent of the popular vote and an Electoral College margin of 34 votes over John Kerry, securing victory only as the result of his narrow defeat of Kerry in Ohio.

In this broader context, the trend at the presidential level seems anything but encouraging for Republicans. In the blink of an eye states such as California, New York, and Illinois appear virtually to have slipped beyond the grasp of Republicans at the presidential level.

Of all forms of human error, George Eliot writes in *Middlemarch*, prophecy is the most avoidable. Geraghty does not hesitate to predict that Republicans stand to gain on the issue of national security in the upcoming midterm elections. It is a prediction that defies the gloom that has dogged Republicans in the spring and summer of 2006. In the book's closing pages, however, Geraghty acknowledges the existence of "difficulties in Iraq," suggesting that they may detract from the Republican edge on national security; but he asserts that in light of internal Democratic divisions the problems in Iraq "are not necessarily good news for the Democrats."

To win in 2008, Geraghty bluntly asserts, "the Democrats need a hawk." I wonder if a slightly camouflaged dove might not be enough to do the trick. On the horizon Geraghty sees a "hawkish Hillary Clinton" and betrays no doubt that she will be the Democrats' 2008 nominee. He considers her a serious threat to Republicans because of her hawkishness. Contemplating a second Clinton presidency, Geraghty consoles his readers with the prospect of a silver lining: "All of this—Afghanistan, Iraq, and any future battlefields—would finally become *their* fight too." I doubt that Hillary Clinton is a hawk, any more than Bill Clinton was or is. Nevertheless, Geraghty's observation that "many on the left, including the shrilly whining harpies of the media," have performed a kind of moral blackmail—basically, obstructing prosecution of the war unless and until they themselves are returned to power—seems to me to strike the mother lode. It provides a sobering conclusion to a book that is by turns good-humored, optimistic, and shrewd. **NR**

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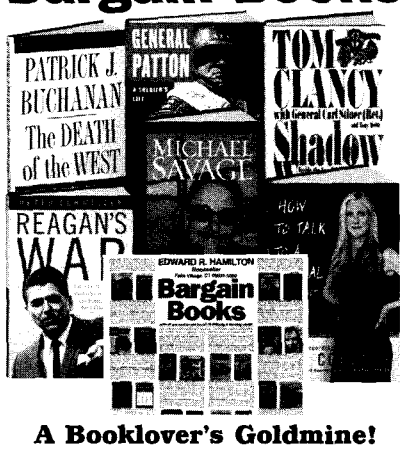

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Thinking Anew

The First Cold Warrior: Harry Truman, Containment, and the Remaking of Liberal Internationalism, by Elizabeth Edwards Spalding (University Press of Kentucky, 336 pp., $40)

ARTHUR HERMAN

NAME the American president who said, "God has created [the United States] and brought us to our present position of power and strength" in order to defend "spiritual values—the moral code—against the vast forces of evil that seek to destroy them." Hint: the same one who said "the spirit of liberty, the freedom of the individual, and the personal dignity of man, are the strongest . . . most enduring forces in all the world." Further hint: It's not George W. Bush or George Washington. It's Harry S. Truman—by Elizabeth Spalding's account, the most misunderstood president of our time.

Usually we get Harry Truman as the simple plain-speaking Missouri Bantam, as in David McCullough's biography or James Whitmore's one-man Broadway show. Or he is the stolid if not very bright quarterback of a team of Cold War "Wise Men."

Now Mrs. Spalding reveals that it was the quarterback who designed and called the plays all along. Hers is a book about Harry Truman the policymaker and thinker—one could say the quintessential American thinker. Like Bush and Ronald Reagan, Truman was no intellectual in a formal sense. But like them he thought deep and hard about the role that global events had thrust on the United States. In his blunt, uncompromising way, Truman compelled his team to come up with a plan to deal with the Soviet challenge. In the process, he gave us a new kind of foreign policy—one with more relevance today than ever.

Sixty years ago totalitarianism of the Right was dead, buried in the rubble of Berlin and Hiroshima. Totalitarianism of the Left was just starting its run, with Stalin's Soviet Union and Mao's China not far behind. Who could stop them? Europe was shattered; it seemed, to many, beyond repair. Asia was in worse shape. Truman understood instinctively that the U.S. faced a dramatically new global responsibility.

Like 9/11, World War II had cleared the conceptual decks. Truman had before him two failed models of American foreign policy. The first was isolationism, which had once appealed to his fellow citizens from the heartland. It had assumed America could protect liberty at home by ignoring what happened to liberty abroad. Appeasement and Pearl Harbor had taught otherwise.

The other failed model, Spalding points out, was Roosevelt's. Together with Churchill, FDR had guided the Free World to victory. But he also believed a return to peace meant returning to an orthodox balance of great powers, including the USSR. Roosevelt's faith that Stalin could be dealt with like other politicians had almost given away the game at Yalta in 1945. FDR's ghost, forever believing every dictator as long as he came from the Left, haunted the political world of 1946 in the form of former vice president Henry Wallace—just as he has haunted the Democratic party's view of foreign policy ever since.

Truman charted a new and potentially dangerous course. At the Potsdam conference in 1945 he learned Stalin's word was worthless. "I've no faith in any totalitarian State be it Russian, German, Spanish, Argentinian, Dago [sic], or Japanese," he wrote afterward, because "all start with a wrong premise—that lies are justified and that the old disproven Jesuit formula [again, sic—it's not Give 'Em Hell Harry for nothing] the end justifies the means is right and necessary to maintain the power of government."

For the foreseeable future, Truman realized, the world would be divided into a camp that lived by that maxim—and tortured, murdered, and enslaved tens of millions—and a camp that did not. Truman's task, and America's mission, was to equip the latter camp against the former—by economic assistance when possible, like the Marshall Plan; by military force if necessary, as in Korea.

Spalding compellingly argues that Truman's moral clarity infused every aspect of America's strategic effort to contain Soviet Communism, from the Marshall Plan and NATO to the creation of the CIA—everything leftist historians of the Cold War now deplore. All Truman's efforts, whether unilateral like the Berlin airlift or multilateral like the U.N. intervention in Korea, were directed to a single simple end: the defense of liberty against tyranny.

"It was the spirit of liberty which gave us our armed strength and which made our men invincible in battle," Truman insisted at the end of World War II. It was that spirit, he believed, that would eventually save the world. But only as long as the totalitarians, who rely on "terror and oppression, a controlled press and radio, fixed elections, and the suppression of personal freedoms," were kept at bay. And only as long as the United States led instead of followed.

Even at the time, few understood what Truman was doing—or how successful he was. Republicans dismissed him as an ignorant boob; liberals, as a heartless warmonger. When he left office in 1953, his approval rating had sunk into the mid-20s. His successor, Dwight Eisenhower, barely spoke to him at the inauguration.

It took Winston Churchill, the student of history, to understand the size of Truman's achievement. They were sitting on the presidential yacht; Churchill was once again British prime minister, while Truman's popularity was at low ebb. America was fixated on its war in Korea, which John Murthas of both parties furiously denounced as "Truman's war." Yet Churchill told Truman, "You more than any other man have saved Western civilization."

Santayana said those who cannot learn from history are doomed to repeat it. Elizabeth Spalding shows us that in the bright light of moral clarity, some history bears repeating. **NR**

Mr. Herman's most recent book is *To Rule the Waves: How the British Navy Shaped the Modern World.*

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■ FILM ■

A New Kingfish

ROSS DOUTHAT

In the movies, succeeding in politics is simple: You just need to take on the special interests, promise the world to the poor, and give a really stirring speech. Which means that Huey Long, the outsize Depression-era governor of Louisiana, was born for celluloid, since he actually governed that way—by elevating political theater to an art form, and using a noisy populism to run roughshod over the normal checks and balances of American government.

Playing Long—or rather, Willie Stark, Robert Penn Warren's fictionalized Kingfish—in Steven Zaillian's ponderous adaptation of *All the King's Men*, Sean Penn seems to be having as much fun as he's had in his entire career. (Though maybe not as much fun as the real Long; this was a politician, after all, who founded his own newspaper when he didn't like his press coverage, ran on a slogan of "Every Man a King," and managed to get himself elected both U.S. senator and governor *at the same time*.) Having earned his "Brando for our time" reputation with forehead-furrowing downers like *Mystic River*, Penn seems liberated by the chance to play a caricature. He sports a paunch and a twinkle in his eye, and he flips his hands around in an odd, almost bird-like way while he delivers his hell-raising speeches, as though demagoguing were a form of ballet. Robert Penn Warren burdened his anti-hero with a quasi-Biblical patter, part Faulkner and part cornpone, but Penn sells the Starkisms—"Man is conceived in sin and born of corruption, and he passes from the stink of the didie to the stench of the shroud"—as though they were Shakespeare.

This is an actor's stunt, perhaps, rather than a great performance, but most successful politicians are more ham than Hamlet, and the fact that Penn's scenery-chewing lacks real depth doesn't detract from the fascination of watching his Willie Stark at work. So long as Penn is center stage, *All the King's Men* crackles with life, and you can ignore the various annoyances—the dumbed-down moral dilemmas, the cast of all-stars who were all apparently too important to learn a southern accent, and the delusion of seriousness that broods over the whole affair.

Which means, in turn, that you should consider walking out midway through. In the half of the movie that covers Stark's rise to power, the various supporting players orbit his brilliance without eclipsing it—Jude Law's Jack Burden, the old-money heir turned cynical newspaperman, who is attracted to the self-proclaimed "hick" candidate in spite of himself; James Gandolfini's Tiny Duffy, the political boss who sets out to use Stark and ends up as his henchman; Anthony Hopkins's courtly Judge Irwin, the establishment pillar (and a father figure to Burden) who eventually becomes Stark's most obdurate opponent. But once Stark is ensconced in the governor's office, taking on the fat cats while acquiring a taste for corruption himself, the movie turns its focus to Burden—to his patrician melancholy, his tedious crises of conscience, and the sorrows of his past. From that point on, *All the King's Men* descends into Gothic hokum: old oaks and decaying mansions, suicides and swamp rot, set to a thudding, portentous score.

Stark asks Burden to dig up enough dirt to blackmail Judge Irwin, and he reluctantly agrees; meanwhile, two of Burden's childhood friends, the Stanton siblings, re-enter his life, setting in motion a convoluted series of betrayals that ends in murder. It's all very tragic, or it would be if Kate Winslet and Mark Ruffalo—as Anne Stanton, Burden's lost love, and her idealistic doctor brother—didn't seem so dazed and disinterested, so overcome by the delta heat, or perhaps their underwritten roles. They've all been traumatized, we're given to understand, by some long-ago tragedy—but then the crucial flashback rolls around, and it turns out to involve Law and Winslet losing a chance at some premarital nookie. (The film plays this scene like Aeschylus, and you would need a heart of stone not to giggle.)

And Jude Law—what in God's name has happened to Jude Law? When he burst into movies a decade ago, playing a crippled, furious genetic superman in *Gattaca*, and then Dickie Greenleaf, the murdered golden boy in *The Talented Mr. Ripley*, he seemed like a throwback to an earlier era, when Hollywood stardom required an actor to be dazzling and deadly all at once. But the hint of danger he brought to those early roles has evaporated, leaving a callow charm that might seduce a giddy woman, but not an audience. He's not terrible as Burden, and his accent is mildly more believable than Hopkins's clipped Welshisms, or Gandolfini's Sopranofied drawl. But neither is he interesting: In a part that asks him to play a man beset by private demons, his beauty is like a thick layer of ice on a pond, reflecting the sunlight and hiding everything underneath.

Most successful politicians are more ham than Hamlet.

Eventually, the movie finds its way back to Penn's Stark, fighting off impeachment, and then to a denouement in the gorgeous art-deco Louisiana State House, where all the strands of blackmail and betrayal are drawn together. But the Kingfish has been neglected for too long, and the movie's life has ebbed away long before the guns go off and the blood begins to flow. Worse, the film never even gets around to deciding just how corrupt Willie Stark really is, preferring to wallow in aristocratic misery while the hard questions—is wickedness worth doing for a greater good? where does compromise shade into complicity, and redistribution into pillage?—go unanswered.

Such avoidance of real politics is the natural drift of all political cinema: The camera is an anti-democratic instrument, in a sense, built for rhetoric and propaganda, restless once the cheering stops. So it is that after all the shouting and the shooting, but before the credits roll, *All the King's Men* flashes back to Stark on the stump, roaring and ranting and promising a better future to the working man. *It should all be so simple*, the parting shot suggests. But that way lies fascism, or at least Huey Long's Louisiana. **NR**

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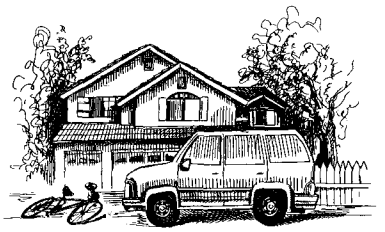
■ THE STRAGGLER ■

Gridiron Dad



JOHN DERBYSHIRE

THE kit presented some puzzles. There were seven white plastic pads of several different shapes. From vague recollections of seeing football players on TV I knew that the knees and thighs are padded. Exploring the interior of the pants, I found suggestive pockets sewn in. Some careful matching of pad shapes to pocket shapes got the pants fixed up, two pads down each leg. There were still three pads to account for, though: one a sort of tall trapezoid with two slots in it, and a pair of bigger pads with a squat gingerbread-man shape.

The lad had already donned crotch protector and girdle. The protector was familiar to me, being pretty much identical to the item known to cricketers as the "box." Danny had pulled on the girdle over it, not noticing that the girdle, too, had interior pockets for pads. So there was the eleven-year-old in protector and girdle, Dad holding a pair of padded-up pants, and three more pads scattered homeless on the floor. All I could think of was to have him put the pants on, then jam the remaining pads down between boy and pants wherever seemed appropriate. This didn't really work, the pants being extraordinarily tight. I got the trapezoid in to protect his tail bone, and left the gingerbread men for future research.

The helmet was straightforward, except that a rubberish mouthpiece had first to be fitted to the boy's teeth, then attached to the helmet. The fitting involved some operations with boiling water (to soften it) and cold water (to harden it). The method of attachment to the helmet was not explained by the mouthpiece's packaging, but I figured it out at last. A final checklist—shoulder pads, chin guard, Dad-size T-shirt (team shirts with printed names were not yet ready), cleats, water bottle—and we were off to my son's first football practice.

Football is a mysterious thing to those of us not raised in these United States. I have attended just one football game in my life. It was a college game, and furthermore was in the South, where, if you try out the cliché about college ball being a religion down there, people tell you, without smiling, that it is *much* more serious than that. What a spectacle that game was! The colors; the chants; the erotic prancing of the cheerleaders; the masked and padded players, their size grotesquely exaggerated, like Polynesian warriors; the guttural war cries; the fenced-off areas of the stands with strange and distinctive populations—one contained nothing but young men in blazers. I felt like an anthropologist watching the Ghost Dance of the Sioux. If a foreigner should tell you that a nation as young as this one has had no time to develop a unique culture, take him to a college football game.

And now my own son was to be schooled in these mysteries! Beginning, I might hope, with the mysteries of the surplus pads. I tackled—I mean, I asked—the team coach about this. There are pockets inside the girdle, he explained. Ah. But why were the pants so tight? "Why, to hold the pads in, of course." Right. And then the coach, which is to say Coach, was off to deal with his charges.

Deal with them he did. I must say, the ferocity of the coaches took me by surprise. From exposure to the sensitized, feminized, sissified, litigation-whipped culture of the public schools, I had come to suppose that the sterner kinds of pedagogic verbal chastisement had gone the way of switch and tawse. Not here at junior-league football practice. The coaches barked and roared like Marine Corps drill instructors. Inattentive boys had their inattention terminated with great prejudice, often with a set of push-ups or a lap around the field added to drive the point home. When Coach got tired of yelling, the whole team was sent off to do laps, marking pace with military-style antiphons in which the word "kumbaya" seemed not to figure at all. It was wonderful to see, especially from the comfort of a folding chair in the shade, with a cup of iced coffee close at hand.

From mid-July to early September they trained, six hours a week, pads all rightly in place now, pants properly laced and belted, the helmet starting to feel like home. Dad was training, too, in his own way: exploring the rules, seeking out football literature in the town library, going with the team and a bevy of moms to watch the movie *Invincible*. (My second football flick, actually. I was a great Burt Reynolds fan back in the Seventies, and saw the first version of *The Longest Yard* . . . a movie that did not, as I recall, vouchsafe much football expertise to its audiences.)

Then at last—game time! On a cool September afternoon our preteen cheerleading squad skipped and squealed and shook their pompoms, various adults took up position on the sidelines with odd-looking poles and flags (must find out what that's all about), and the Huntington Bulldogs, eleven-year-old division, blue team, jogged out on to a full-sized football field for their first game. Various daddish emotions swelled in my breast, things went misty for a minute or two, then I got absorbed in trying to follow the play.

Which wasn't easy. I understood the main principles of the four downs, forward passing (*streng verboten* in rugby, my own school game), punting, blocking, and tackling. I had forgotten how to tally the score, though, and had to keep asking. Some of the penalty calls baffled me. And how had they converted without a conversion kick? I felt like someone who'd memorized some basic vocabulary and grammar, but still could not speak the language on the fly. More study needed, and perhaps another go at *The Courting of Marcus Dupree*, whose smothering, self-conscious writerliness, and Southern-ness, and preening racial rectitude, had had me gasping for air after 40 pages.

My boy got to play, though. He didn't play much, being small for his group, and a rookie—some of his teammates were playing their second or third year. Still he dodged and tackled very creditably on defense, against boys mostly larger than himself, and I am proud of him. I am not quite so proud of myself, my mental powers plainly having failed to penetrate very far into the mysteries of this colorful but esoteric game. There's a season to play yet, though, and after that many more, I hope. Understanding will come. At least we got the pads figured out. *Go Bulldogs!* NR

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on the right

WILLIAM F. BUCKLEY JR.

Ideological Warfare?

NEW YORK, SEPTEMBER 8

PRESIDENT BUSH has eight times (someone is counting) struck the theme that the war we are in is a decisive ideological struggle. Anyone who is killed today, in Afghanistan or Iraq, will certainly subscribe to the proposition that his death was a decisive act. But we are nevertheless left wondering whether it was an ideological act, of the kind the White House is speaking of.

Ideological divisions result from irreconcilable positions held by entities laying claim to command of the scene. Mr. Bush correctly enunciates ideals that can't be pursued in areas of the world dominated by an understanding of Islam that permits no deviation. But before declaring the impasse unbridgeable, one asks: Cannot a means of living together be contrived?

In the heat of the day arrived in Washington a leading clerical figure of Iran. Mohammad Khatami was president of Iran from 1997 to 2005 and is the highest-ranking Iranian to visit Washington since we severed relations after the 1979 revolution. And what does he tell us—at the National Cathedral, no less?

Well, he says, a smile on his face, we must collaborate in search of a world in which there are no extra-conventional weapons. Why should there be, when the differences between us can be dealt with other than through force and violence?

You see, he explained, there is, actually, an overlap in teachings from the three world religions that descended from Abraham. "Jesus," Khatami said, "is the prophet of kindness and peace. Muhammad is the prophet of ethics, morality, and grace. Moses is the prophet of dialogue and exchange."

That doesn't sound like Hitler talking. But overseers of the scene aren't interested in pacifist declamations from the mullah. What we want to hear about is the development of nuclear weapons. The Iranian government, speaking through President Ahmadinejad, tells us that Iran is not engaged in developing uranium of the kind one uses to make nuclear arms. We simply have to take his word for it.

But this isn't easy to do, and although the president of the United States, as the fighting chief on the Western front, uses the language of apocalypse, he is criticized for doing less than what's needed to advance our goals. Some criticisms of Mr. Bush are themselves, if not exactly ideological, certainly partisan.

Thomas Friedman, who has final thoughts on everything except his own contradictions, reproaches Bush-Cheney-Rumsfeld on the grounds that they have not advocated measures consistent with an exhaustive national effort. If we are so lathered up about the Muslim menace, why have we countenanced a tax cut? Why do we let Americans burn gas, ad lib? Why aren't we supplying the reformers in Afghanistan, and the new government in Iraq, with the kind of fighting power required to maintain the borders and guarantee stability within them?

There are very good arguments for sending more troops to Iraq and for reducing our reliance on imported oil, but these have not persuaded either the commander-in-chief or his advisers, who believe that what needs to be accomplished can be done without gas rationing and a military draft.

What does have to happen is a softening of ideological positions. If the great fissures in the Middle East reduce to replays of old antagonisms between the Shiites and the Sunnis, we can make our modest demands, to the effect that Jesus, Moses, and Muhammad should coexist without nuclear weapons in their portfolios. But we must also make clear that the point will one day be reached when others than the U.S. will need to be responsible for enforcing coexistence.

The challenge is to accomplish this with continued reliance on what amounts to a constabulary in Afghanistan and Iraq, because we have no appetite for great armies there, and want to believe we have no need for them.

Is Victory Possible?

NEW YORK, SEPTEMBER 12

GEORGE W. BUSH radiates singular American strengths when especially taxed. The flashbacks of 9/11 included the fateful scene in the schoolroom in Florida when Andrew Card, his chief of staff, approached his ear and advised the commander-in-chief that two aircraft had crashed into the World Trade Center, inaugurating a terrorist war.

On the fifth anniversary of the event, the schoolteacher who had been seated at Bush's side recalled his reaction. She said that she noticed a change in the president's eyes. This change crystallized as he gathered his thoughts in Air Force One, zigzagging through American air space pursuant to instructions from the Secret Service and informed by blurts of updates from the men and women on whom he most relies. That look in the eyes is still there; we saw it when he spoke on the fifth anniversary.

He said that the war declared on 9/11 was not over, and "will not be over until either we or the extremists emerge victorious." He depicted the alternative in very vivid language. "If we do not defeat these enemies now, we will leave our children to face a Middle East overrun by terrorist states and radical dictators armed with nuclear weapons. We are in a war that will set the course for this new century—and determine the destiny of millions across the world."

President Bush gives every indication of believing everything he asks us to believe. In the language of democratic assent, we can at once endorse the determination of the commander-in-chief, and console ourselves that it cannot be as he depicts it, for reasons yielded up in his own text. The key point is that this is not an ideological divide, because 9/11 was an aberrant act, not an expression of Islamic dogma.

George Bush is a thoughtful Christian who is prepared to weigh human behavior as sinful. He said in his talk: "We have learned that [our enemies] are evil and kill without mercy—but not without purpose. We have learned that they form a global network of extremists who are driven by a perverted vision of Islam. . . .

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And we have learned that their goal is to build a radical Islamic empire." The day he spoke, a suicide bomber in Afghanistan attacked the funeral of a provincial governor, who had himself been killed by a suicide bomber the day before.

Bush recalled events of 9/11, singling out the behavior of individual American firefighters and police who returned into the damaged buildings looking for one more person who might be saved, and perishing in the attempt. He designated the New York firefighter as the symbol of Western life and thought, and invited us to contrast him with the suicide bomber.

The quickest answer to the division between them and us, as summoned by Mr. Bush, is that the firefighter acted in fulfillment of his official training, which taught duty transcending risk. The Afghan bomber was not fired by official training in the illusion of an Islamic empire. That is not the training to which millions of young Muslims around the world are subjected. That is why the president could speak of a "perverted" vision of Islam and of a "radical" Islamic empire.

The suicide bomber is enacting a masturbatory vision of himself as a cog in an enterprise that is nowhere set in hard theological language authorizing him to kill himself and whoever else is in range of the explosive he detonates. There is not a single sentence in accepted Muslim doctrine that commends suicide action entailing the destruction of bystanders, although there are, among renegade sects, leaders who urge precisely that.

Bush cannot expect victory defined as an end to every Islamist who is prepared to engage in what many decades ago was defined as the "anarchic passion to smash." We have a sacred mission to contend against radical Islamism, but we cannot inoculate all young Muslims against such idealistic corruption as threatened Christianity in its early centuries.

It suits our purpose, and conforms with reality, to distinguish insistently the actions of the suicide killers from the faith of Muhammad. It is jarring that there were people in the Mideast who cheered the accomplishments of the 9/11 killers, but we had then a spectacle brought on by human perversion. It's true that perversion does sometimes bring cheers, and that the war against human sin will never be won. About those problems Mr. Bush can do nothing.

Stumped by Morality?

NEW YORK, SEPTEMBER 15

THE divisions on the question of how to deal with terrorist suspects reminds us that there is confused reasoning in town. This is not unexpected, but this time around it gives especially interesting paradoxes.

Sen. John McCain—miraculously still alive, given what he was made to suffer in Vietnam—voted against authorizing "alternative interrogation practices," rejecting the toughness President Bush and his advisers deem necessary to cope with their problem. Most unexpected was the intercession of Colin Powell. As a former secretary of state and close adviser to presidents, he'd have been thought in favor of executive authority in matters touching on war.

Rep. Duncan Hunter, head of the House Armed Services Committee, said simply that he would do whatever the president asked. General Powell introduced an objection of arresting nature. He said that a departure from the Geneva Convention rules would encourage the world to "doubt the moral basis of our fight against terrorism."

It's worth it to pause for a minute with some basic questions, illuminated by a hypothetical case.

Habib Sulaiman, age 22, is picked up by security agents in London. He has been frequenting the airport, spending unaccountable time at international departures gates of British Airways. A search of his apartment brings out files focusing on airport transport. Telephone records disclose calls to a number that French authorities have listed as suspect. Sulaiman declines to answer questions. A month later, he finds himself in Guantanamo. What is to be done with him?

Routine questioning, of the kind he has been subjected to ever since he was picked up, has accomplished nothing.

Hypothetically, he could be shot and buried. But of course we do not do that kind of thing. We could just keep him in his Guantanamo cell. Just keep him there, let the months go by, turning—maybe—into years. But that, too, is something we don't go in for, certainly not in theory.

So after a while the commandant says, "Let's try something a little more persuasive than solitary confinement."

Like what? Like alternative interrogation practices.

A question before the Senate was whether to abide by what is called Common Article 3. The Geneva Convention that begot Article 3 sought to prohibit inhumane treatment of combatants seized in wartime. In the language of the convention, the design was to prohibit "outrages upon personal dignity."

Legal questions arose. Gen. Michael Hayden of the CIA has said that clarifications have to be made, since outrages to human dignity can be adduced by imaginative, and even not really imaginative, detainees.

Another matter, on which Mr. Bush is absolutely decisive, has to do with the auspices of Common Article 3. The Geneva Convention that came up with it was talking about treatment of organized combatants, and of course terrorists are militantly non-military. The point here is that Congress has the authority to modify its endorsement of the protocol by acting on the vagueness not only of the prohibition, but also of the category—"combatants seized in wartime"—being dealt with.

It was a maudlin mistake of General Powell to take these questions and run them together under the rubric of morality. The eternal question, in international engagements but also in national and local engagements, is how to balance competing claims: the claim to personal sovereignty and the claim to security for the community. Before airplanes existed, one didn't need expedited detentions based on suspicious activity.

As Congress closes in on the request of the commander-in-chief, legislators will need to review these questions. They should not be asked to define what exactly they condone, in the way of alternative interrogation practices. But they should not be dumbfounded into inactivity by general appeals to the Ten Commandments.

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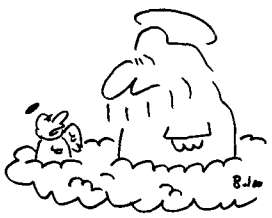

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happy warrior

MARK STEYN

Provocations

An Australian reader wrote the other day to say he was beginning to feel as Robert Frost did in "A Minor Bird":

> I have wished a bird would fly away,
> And not sing by my house all day.

My correspondent's incessantly cheeping bird is Islam. He's fed up waking every morning and reading of the latest offense taken by the more excitable Mohammedans. In the most recent case, it was a ruminative disquisition by the Pope on the relation between faith and reason, which needless to say the usual types took the wrong way. So, resentful at having allegedly been slandered as irrational and violent, they reacted by shooting a nun in the back. Her name was Sister Leonella and she had been working in Somalia since 2002. As she lay dying, she whispered, "I forgive, I forgive."

My reader was in a less forgiving mood, weary of a world in which if you go to Mass at Westminster Cathedral you have to run the gauntlet of an Islamist demonstration organized by Anjem Choudhary, who called for "capital punishment" for His Holiness: His line is that anyone who says Islam is violent should be beheaded. *Quod erat demonstrandum.* And in London, not Jalalabad. So his lads chanted "Pope Benedict, you will pay / The mujahedeen are coming your way" and brandished placards proclaiming "JESUS IS THE SLAVE OF ALLAH" and "ISLAM WILL CONQUER ROME."

Anyone care to join me for a reciprocal demo outside the Grand Mosque in Mecca?

Oh, but we wouldn't dream of it. Instead, as the *New York Times* and the BBC did, we wonder whether the Pope was unnecessarily "provocative." For as Robert Frost continued:

> The fault must partly have been in me.
> The bird was not to blame for his key.
> And of course there must be something wrong
> In wanting to silence any song.

But in this instance the folks wanting to silence others' songs would seem to be the Muslims—or "radical Muslims," as we still say, more in hope than conviction. Another reader sent round a mocking e-mail—"Are you man enough to shoot a nun in the back?"—and was promptly rebuked by one of his female friends: "This is a one-off situation you describe and so you can't suddenly leap in to tar every Muslim with the same brush: It wasn't a response from the Muslim world, it was the reaction of one person."

Outside Westminster Cathedral

Well, yes, time for the usual "of courses": There are a billion Muslims in the world—or there were a year or two back; now the preferred round number seems to be "There are 1.5 billion Muslims in the world," which, even given the conversion rates in Europe, seems something of a leap—but, whatever the figure is, very few of them want to shoot nuns in the back. However, that's not the point, any more than it's relevant that, as a Canadian reader informed me, you've got more chance of being struck by lightning than of being killed by terrorists. No doubt you've also got more chance of being killed by the comprehensively updated edition of the tax code falling off your top shelf.

But it's not about the numbers, it's about which mode of behavior dominates. It's not about killing, it's about broader, more pervasive forms of intimidation. If, say, I were to shoot a staffer for *The Nation* in the back in the name of National Review, you would expect at the very minimum my bosses here to suspend the column at least until I'd been acquitted at trial. If, instead of that, Rich Lowry and Kate O'Beirne were marching through the streets chanting "Behead the enemies of National Review!" and William F. Buckley were to issue a statement offering the publishers of *The Nation* the choice between conversion to conservatism, paying a poll tax to him, or death, and if it were rumored that Rick Brookhiser, John Derbyshire, and dozens of other "moderate" NR writers strongly disagreed with my decision to shoot the *Nation* guy but didn't dare say anything, I think the reasonable person would conclude that the problem is more than just one fringe nutter.

When you see those Islamogangstas outside Westminster Cathedral in London shouting "Death to the Pope!" they're behaving, in effect, like the union enforcers in *On the Waterfront*. To be sure, the union did a lot of good things, and a lot of good men were members, but it was the heavies who made the running. In Islam, the heavies make the running, and they're demanding what comes very near to a closed shop in public discussion of their faith. So where is our Marlon Brando?

Step forward, Andrew Robb, parliamentary secretary to the Australian minister of immigration. Speaking to 100 A-list Aussie imams the other day, he told them to shove the victim mentality and quit trying to pass off all criticism as "Islamophobia": "We live in a world of terrorism where evil acts are being regularly perpetrated in the name of your faith," said Mr. Robb. "And because it is your faith that is being invoked as justification for these evil acts, it is your problem."

Perhaps the *New York Times* would think Mr. Robb's words as ill-advised as the Pope's. But the *Times* and others in the secular West cannot even find a working language for their much cherished "dialogue." One side seeks accommodation, the other seeks victory. **NR**

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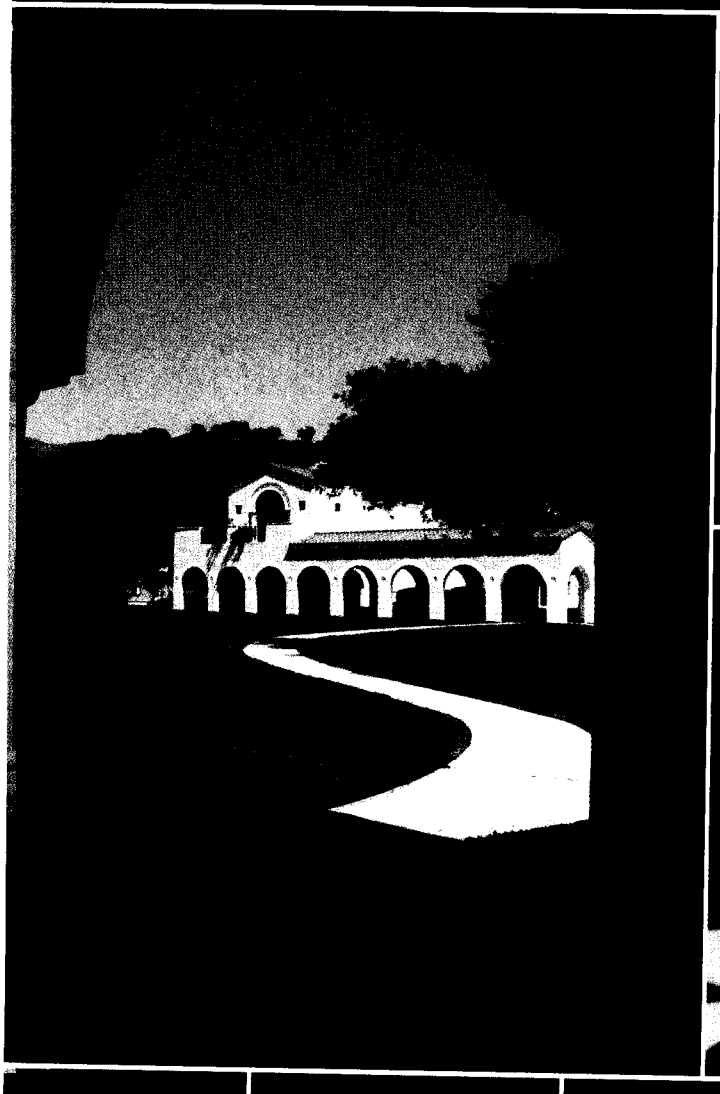

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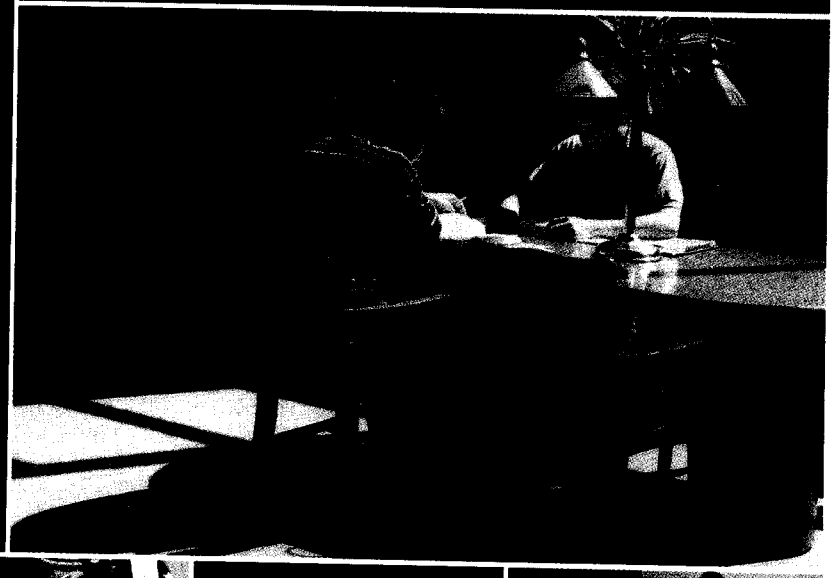

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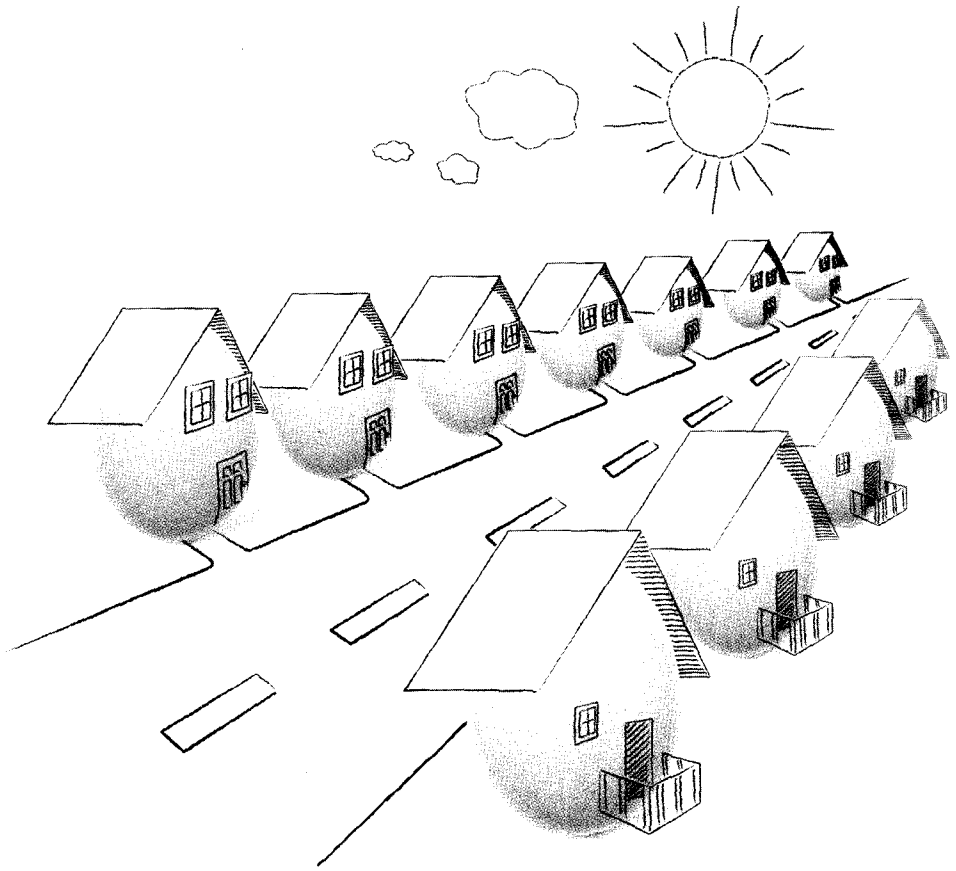

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